



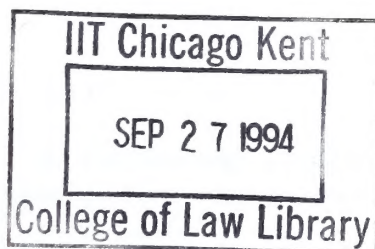
1994

Illinois Register

Rules of Governmental Agencies

Volume 18, Issue 38— Sept. 23, 1994

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Administrative Code Div.
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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan2) Code Citation: 80 Ill. Adm. Code 3103) Section Numbers: Proposed Action:

310.290 Amended
 310.450 Amended
 310.490 Amended
 310.530 Amended
 310.540 Amended
 310. Appendix C Amended
 310. Appendix D Amended
 310. Appendix G Amended

4) Statutory Authority: Authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2) [20 ILCS 415/8a.2]5) A Complete Description of the Subjects and Issues Involved:

The following amendments to the Department of Central Management Services' Pay Plan reflect the Fiscal year 1995 salary changes for those employees subject to the Merit Compensation System Salary Schedule.

In Section 310.290, out-of-State or Foreign Service Rate, the salary ranges for the out-of-state title are being revised to maintain the same differential above the appropriate in-state salary for that title.

In Section 310.450, Procedures for Determining Annual Merit Increases, subsection (d) is being revised to reflect that individuals evaluated at the Category 4 or 5 level shall not receive an increase in their present salary.

In Section 310.530, Implementation, subsection (a) is being revised to reflect the new fiscal year

In Section 310.490, Other Pay Provisions, under "(k) Bi-lingual Pay", employees whose job descriptions require the use of sign language or a second language shall have 4% or \$75.00 per month whichever is greater added to their base rates, effective October 1, 1994; and 5% or \$100.00 per month whichever is greater will be added to the employee base rates, effective July 1, 1995.

In Section 310.540, Annual Merit Increase Guidechart, the guidechart is being revised to reflect the changes in allowable amounts of salary increases for the level of performance.

In Section 310. Appendices C and D, the Medical Administrator Rate and the Merit Compensation System Salary Schedule, the salary ranges for those employees subject to the Merit Compensation section of the Pay Plan are

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

being increased by 3% at the minimum salary and 3% at the maximum salary for Fiscal Year 1995. The "Merit Pay Zone Limit" is being adjusted to maintain a 5% differential above the maximum salary.

In Section 310. Appendix G, Senior Public Service Administrator Salary Schedule, the salary ranges are being revised by 3% at the minimum and maximum salaries for Fiscal Year 1995.

6) Will these proposed amendments replace any emergency amendment currently in effect? Yes.7) Do these rulemakings contain an automatic repeal date? No.8) Do these proposed amendments contain any incorporations by reference? No.9) Are there any other proposed amendments pending to this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
310.100	Amended	18 Ill. Reg. 11299 (July 15, 1994)
310.110	Amended	18 Ill. Reg. 11299 (July 15, 1994)
310.280	Amended	18 Ill. Reg. 10979 (July 15, 1994)
310. App. B	Amended	18 Ill. Reg. 11299 (July 15, 1994)
310.495	Amended	18 Ill. Reg. 12052 (August 5, 1994)
310. App. G	Amended	18 Ill. Reg. 12052 (August 5, 1994)

10) Statement of Statewide Policy Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.

- B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

- C) Reporting, bookkeeping or other procedures required for compliance:
None.

- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment(s) are identical to the emergency amendments which begin on page 14417.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species

- 2) Code Citation: 17 Ill. Adm. Code 1075

- 3) Section Numbers: Proposed Action:

1075.10 Amendments
1075.20 Amendments
1075.30 Amendments
1075.40 Amendments
1075.50 Amendments
1075.60 Amendments
1075.80 Amendments

- 4) Statutory Authority: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 341 [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].

- 5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 1994, the Natural Areas Preservation Act was amended to require consultation on State and local agency actions to determine the effects of those actions on natural areas. This Part is being amended to include natural areas in the consultation process already established for endangered and threatened species.

- 6) Will this Proposed Rule replace an Emergency Rule currently in effect? No

- 7) Does this Rulemaking contain an automatic repeal date? No

- 8) Do these Proposed Amendments contain incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rule establishes a consultation process between the Department of Conservation and agencies of State and local governments for assessing impacts of agency actions on endangered and threatened species and natural areas.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62701-1787

- 12) Initial regulatory flexibility analysis: This rule does not affect small businesses

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS
TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER c: ENDANGERED SPECIES

PART 1075
CONSULTATION PROCEDURES FOR ASSESSING IMPACTS
OF AGENCY ACTIONS ON ENDANGERED AND THREATENED SPECIES
AND NATURAL AREAS

Section	Purpose
1075.10	Definitions
1075.20	Actions Reviewed and Exempted
1075.30	Consultation Process
1075.40	Special Circumstances
1075.50	Emergencies
1075.60	Public Involvement
1075.70	Alternative Action Guidelines
1075.80	

AUTHORITY: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 341) [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].

SOURCE: Adopted at 14 Ill. Reg. 19839, effective December 3, 1990; amended at 18 Ill. Reg. _____, effective _____.

Section 1075.10 Purpose

The purpose of this Part is:

- a) To establish a consultation process between the Department and agencies of State and local governments of Illinois concerning impacts on State endangered and threatened species and Natural Areas by actions authorized, funded, or carried out by those agencies which are authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989 1991, ch. 8, par. 341) [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].
- b) To provide a consultation procedure designed to assist agencies of State and local governments in the evaluation of proposed actions for the purpose of addressing the adverse impacts to endangered or threatened flora or fauna as listed by the Illinois Endangered Species Protection Board, or to the essential habitat of such species or to Natural Areas.
- c) To promote the conservation of threatened and endangered species and Natural Areas by establishing the following policy: the avoidance of adverse impacts is a priority of action; when avoidance is not practicable, adverse impacts should be minimized; and when practicable alternatives do not exist and an adverse impact is likely to occur,

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NOTICE OF PROPOSED AMENDMENTS

compensation shall be requested.

d) This Part provides details for the following:

- 1) actions requiring review and those exempted;
- 2) filing of the Agency Action Report ~~of Action~~;
- 3) filing of the Detailed Action Report;
- 4) preparation of the biological opinion;
- 5) emergencies;
- 6) public involvement opportunities; and
- 7) alternative action guidelines.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.20 Definitions

The following terms will be used throughout this Part:

"Action" - construction, land management, or other activities that are authorized, funded, or performed in whole or in part by agencies of State and local governments and that will result in a change to the existing environmental conditions ~~that are authorized, funded, or performed in whole or in part by agencies of State and local governments, and that~~ or may affect listed endangered or threatened species or their essential habitat or Natural Areas.

"Adverse Impact" - a direct or indirect alteration of the physical or biological features of the air, land or water which may affect the survival, reproduction or recovery of a listed species or that may diminish the viability of a Natural Area.

"Agency" - includes all agencies, boards and commissions which are under the jurisdiction of State or local governments.

"Biological Opinion" - the component of the Detailed Action Report prepared by the Department, when a valid record of an occurrence for a threatened or endangered species or Natural Area exists within the vicinity of a proposed action. This opinion will conclude whether the action will jeopardize the listed species present ~~or~~ destroy or adversely modify their essential habitat or adversely modify a Natural Area.

"Conservation" - utilization of all methods and procedures which are necessary to bring any endangered or threatened species to the point at which the protection provided by the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989 1991, ch. 8, par. 331 et seq.) [520 ILCS 10/1] are no longer necessary. These methods and procedures include, but are not limited to, all activities associated with scientific resources management, such as research, census, habitat acquisition, habitat management restoration, and maintenance and

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propagation.

"Cumulative Effects" - direct and indirect effects of a proposed action(s) together with the identifiable effects of actions that are interrelated or interdependent with the action. Indirect effects are those that are caused by the action but are later in time or farther in distance. Interrelated actions are those that are a part of a larger action. Interdependent actions are those that have independent utility apart from the action.

"Department" - means the Department of Conservation.

"Detailed Action Report" - a written report that is prepared by an agency when a threatened or endangered species or Natural Area has been identified within the vicinity of a proposed action. This report shall contain sufficient information to make a judgement regarding the potential adverse impacts to a listed species or its essential habitat or a Natural Area.

"Essential Habitat" - is the physical and biological environment that is required to maintain viable populations of a listed species in order to ensure the survival and recovery of that species.

"Jeopardize" - to engage in an action which would reduce the likelihood of the survival or recovery of a listed species or would result in the destruction or adverse modification of the essential habitat of such a species or which would result in the destruction or adverse modification of a Natural Area.

"Listed Species" - is any species of plant or animal which has been listed as endangered or threatened by the Illinois Endangered Species Protection Board or the U.S. Fish and Wildlife Service.

"Natural Area" - is any area of land in public or private ownership which is registered under the Illinois Natural Areas Preservation Act [525 ILCS 30] or is identified in the Illinois Natural Areas Inventory.

"Agency Action Report ~~of Action~~" - a report submitted to the Department by agencies proposing an action(s) requiring consultation. The information required to be submitted shall be sufficient to determine the presence or absence of a threatened or endangered species or Natural Area in the vicinity of the proposed action.

"Vicinity" - the area surrounding the action, as determined by the life history requirements of the species of concern or proximity to a Natural Area.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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_____)

Section 1075.30 Actions Reviewed and Exempted

- a) Actions Requiring Review for Consultation - Any construction, land management or other activity authorized, funded or performed by a State agency or local unit of government that will result in a change to the existing environmental conditions and/or may have a cumulative, direct or indirect adverse impact on a listed species or its essential habitat or that otherwise jeopardizes the survival of that species and/or may have a cumulative, direct or indirect adverse impact on a Natural Area shall be evaluated through the consultation process. This includes but is not limited to the following:

- 1) the alteration, removal, excavation or plowing of non-farmed, non-cultivated areas, or dredging of soil, sand, gravel, minerals, organic matter, vegetation, or naturally occurring materials of any kind;
- 2) the changing of existing drainage characteristics or sedimentation patterns;
- 3) the grading or removal of materials that would alter existing topography;
- 4) the creation of new, or the increase in existing permanent barriers to the movement of wildlife, such as dam construction;
- 5) a discharge of pollutants into the air, water, or on the land;
- 6) the application of chemicals to the air, water, or on the land;
- 7) preliminary plats, plans and permits; and
- 8) an application for rezoning from a non-urban classification to an urban classification (e.g. from agricultural to residential) or a change from one urban classification to another on land not used in its entirety for the original classification.

- b) Actions Not Requiring Review - Actions authorized, funded or performed by State agencies or local units of government not ~~having an adverse impact to a listed species or its essential habitat~~ resulting in a land-disturbing activity or not directly or indirectly affecting an endangered or threatened species or a Natural Area are not required to be evaluated by the consultation process. Such actions shall involve activities not listed in Section 1075.30(a) (e.g. acquisition of equipment or rehabilitation of an existing structure).

- c) Actions Exempted - The following actions are exempt from the consultation process unless it is evident that there will be an adverse impact to a listed species or its essential habitat or to a Natural Area:

- 1) mowing within maintained highway rights-of-way;
- 2) routine resurfacing and application of oil and gravel to existing roads and highways that do not require widening of the road or shoulder;
- 3) construction activities required for the maintenance or repair of existing structures;
- 4) actions in those areas with a Department-approved management

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plan, where the proposed actions are consistent with the Plan and are undertaken to maintain or improve natural ecosystem conditions or to re-establish pre-settlement vegetation conditions. This includes such actions as prescribed burns, spot application of herbicides, brush clearing and other appropriate natural resource management activities. Where a listed species is known to be present, management for its survival and recovery shall be a priority;

- 5) actions within highway rights-of-way, unless specifically notified by the Department, that adjoin land used for agricultural or urban purposes, except those portions of the right-of-way adjacent to borrow pits, railroads, streams, wetlands, lakes, or other natural areas and open space.

- 6) maintenance of existing lawns, yards and ornamental plantings;
- 7) annual, routine cultivation of existing agricultural lands; and
- 8) change of zoning requests for land currently zoned, developed, and used in its entirety for commercial, industrial or residential purposes.

- d) Memorandums of Understanding - the Department may enter into an agreement with an agency, referred to as a Memorandum of Understanding (MOU) which allows the development of an expedited review process, the review of comprehensive plans and natural resource ordinances, or exempts from the consultation process those actions commonly performed by that agency and that have no adverse impact to a listed species or its essential habitat or a Natural Area.

- 1) The Memorandum of Understanding shall expire in 1 to 3 years, based on the type of activity or the frequency with which it is performed. At the time of renewal, the agency shall submit a report evaluating the following:

- A) whether the actions exempted avoided, minimized or created an adverse impact to a listed species and its essential habitat or a Natural Area; and
 - B) if the technology of the exempted action has changed to such an extent that the action should no longer be exempted.
- 2) The Memorandum of Understanding shall be available for review from the Department upon request.
- e) If more than two years elapses between the review and approval of the proposed action and implementation, the Department shall have an opportunity to review the Agency Action Report of Action again to determine whether a listed species or Natural Area is present.
- f) Compliance with this Part does not relieve the agency from applicable state or federal laws or regulations.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.40 Consultation Process

As authorized by Section 11(a) of the Illinois Endangered Species Protection

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Act (Ill. Rev. Stat. 1989 1991, ch. 8, par. 341) [520 ILCS 10/11] and by Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17], state and local units of government shall evaluate, through a consultation process with the Department, whether actions authorized, funded, or carried out by them, as defined in Section 1075.30, are likely to jeopardize the continued existence or recovery of Illinois listed endangered or threatened species or are likely to result in the destruction or adverse modification of the essential habitat of such species or are likely to result in the adverse modification of a Natural Area. The proposed action shall not commence until the completion of the consultation process. This consultation process shall consist of the following:

- a) After identifying a specific action included in Section 1075.30, an agency shall complete and submit the Agency Action Report ~~of Action~~ to the Department. This shall be submitted as early in the planning process as may be practicable and prior to approval of preliminary plat, design, permit, plan, or project approval. The purpose of this report is to identify the specific location of the project in order to determine if a listed species or Natural Area is located within the vicinity of the proposed action. The Agency Action Report ~~of Action~~ shall include but not be limited to the following:

- 1) name and address of agency proposing the action;
- 2) the responsible person within that agency;
- 3) the precise location of the proposed action in sufficient detail to determine the presence or absence of a listed species or Natural Area;
- 4) a brief description of the proposed action; and
- 5) the starting and ending dates of the proposed action.

- b) The Department shall review the Agency Action Report ~~of Action~~ and determine whether a valid record of occurrence for a listed species or a Natural Area exists within the vicinity of the proposed action. The agency shall receive one of two responses from the Department within 30 calendar days of receipt of the Agency Action Report ~~of Action~~:

- 1) If no listed species or their essential habitat or Natural Areas have been identified in the vicinity of the proposed action, a letter will be sent indicating that further consultation is not necessary.
- 2) If a listed species or a Natural Area is identified within the vicinity of the project, the agency will be sent a letter explaining the continuation of the consultation process and a Detailed Action Report.

- c) The agency shall complete the Detailed Action Report, and submit it to the Department. Sufficient information must be provided about the proposed action to determine the potential indirect, direct and cumulative adverse impacts to the listed species present or its essential habitat or to the Natural Area. The Detailed Action Report shall include, but is not limited to the following components:

- 1) name and address of agency proposing the action;
- 2) responsible person within the agency;
- 3) a detailed map indicating the precise location of the proposed

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action;

- 4) a detailed description of the proposed action, including any direct or indirect alteration or destruction of the vegetation, changes anticipated to air or water quality, alteration of the topography, or any other detail that might jeopardize the listed species or its essential habitat or cause adverse modification of the Natural Area;
 - 5) starting and ending dates of the proposed project; and
 - 6) discussion of alternatives which were considered.
- d) Upon completing the portion of the Detailed Action Report involving the proposed project, the agency shall provide background information on the listed species or Natural Area present. The direct and indirect effects of the proposed action on the listed species and its essential habitat or on the Natural Area including cumulative effects shall be analyzed by the agency. The Department shall assist units of local government, upon request, if the unit of local government does not have the expertise to provide the required data and does not have the resources to provide outside experts.
- e) Upon completion, the agency shall submit the Detailed Action Report to the Department for the formulation of a biological opinion as to whether the proposed action, taken with its cumulative effects, will jeopardize the listed species present or have an adverse impact on its essential habitat or cause adverse modification of the Natural Area. The biological opinion shall be completed within 60 calendar days of receipt of a completed Detailed Action Report. The biological opinion shall result in one of the following conclusions:
- 1) the action may promote the conservation of a listed species or its essential habitat or enhance the protection of the Natural Area, in which case the consultation process is terminated;
 - 2) the action is not likely to jeopardize a listed species or its essential habitat or cause adverse modification of the Natural Area, in which case the consultation process is terminated; or
 - 3) the proposed action is likely to jeopardize a listed species or its essential habitat or cause adverse modification of the Natural Area, in which case the consultation process shall continue.
- f) If the biological opinion concludes that the proposed action is likely to have an adverse impact, recommendations to avoid these impacts shall be provided to the agency by the Department.
- g) A meeting shall be scheduled with representatives of the agency and the Department to discuss practicable alternatives to the proposed action that would avoid, minimize, or compensate for the impacts.
- h) After the consultation meetings have taken place to discuss practicable alternatives, the agency shall notify the Department in writing, stating its decision to proceed, modify, or forgo the action, and which, if any, of the alternatives included in the Detailed Action Report it is adopting.
- i) If the Department disagrees with the agency's decision, it shall notify the agency in writing within 10 days.

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- j) It is desirable that disagreements which arise over an agency's response or procedural questions be resolved quickly and at the lowest possible level of agency involvement. For most actions, areas of disagreement should be resolved by middle and upper level management of the Department and agency involved. However, where there is failure to reach agreement, it may be necessary to refer the matter to the agency head for resolution.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.50 Special Circumstances

- a) When a particular action involves more than one agency, these agencies may, upon notification to the Department, fulfill their consultation requirements through a single lead agency. Factors relevant in determining appropriate lead agency include the time sequence in which agencies would become involved in the action, the magnitude of their respective involvement, and their relative expertise with respect to the environmental effects of the action.

- b) In the case of complex actions, where the Department and the agency determine that additional information is needed concerning the listed species or Natural Area and/or the action, the period for the agency to prepare the Detailed Action Report, and the Department to formulate the biological opinion, may be extended by mutual agreement. During this extension, an agency shall make no irreversible or irretrievable commitments of resources that would foreclose implementation of any reasonable and prudent alternative prior to issuance of a biological opinion.

- c) The consultation process shall be modified for the review of rezoning applications (See Section 1075.30(a)(8)):

- 1) The Agency Action Report ~~of Action~~ shall be submitted for review as required in Section 1075.40(a).
- 2) If no listed species or Natural Area is known to be present, a letter of notification of the termination of the consultation process shall be sent within thirty days.
- 3) If a listed species or Natural Area is identified, the information shall be provided for consideration in the decision to grant the request for rezoning. This information shall be made a matter of public record.
- 4) The consultation process will not proceed until development of that parcel is under consideration. At that time, the agency shall submit to the Department a Detailed Action Report and continue the consultation process as defined in Section 1075.40(c) through (j).

- d) The consultation process shall be initiated or a terminated consultation process shall be reopened by the Department or the agency if:

- 1) New information reveals effects of the identified action that may

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- adversely affect a listed species or its essential habitat or a Natural Area in a manner not previously considered; or
- 2) The proposed action is subsequently modified such that it may adversely affect a listed species or its essential habitat or a Natural Area in a manner which was not considered in the consultation process; or
 - 3) Additional listed species or their essential habitat or Natural Areas are identified within the vicinity of the action.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1075.60 Emergencies

- a) Two types of emergency conditions may exist that require special treatment:

- 1) Where emergency circumstances pose an immediate threat to human life, or severe loss of property is imminent from situations involving acts of God, disasters, casualties, or national defense or security emergencies, and action must be taken immediately, the agency can proceed without notifying the Department prior to taking action. The consultation process shall be initiated as soon as practicable after the emergency is under control, but not to exceed 30 calendar days. The agency shall submit a Detailed Action Report, which shall include information on the nature of the emergency actions, the justification for requiring immediate action, and any adverse impacts to a listed species or its essential habitat or a Natural Area that may have resulted. The Department shall evaluate such information and issue a biological opinion, including the information and recommendations given during the emergency consultation.
- 2) Where emergency circumstances pose a threat to human life or loss of property and the action must commence within 30 days, the agency may request permission to commence the action without undergoing the consultation process prior to the action. The agency shall contact the Department prior to commencing the action and explain the nature of the problem. The Department shall determine whether a listed species or Natural Area is present within the vicinity of the action and notify the agency in writing. One of two courses of action shall then be taken:

- A) if no listed species or their essential habitats or Natural Areas are present, the action may commence and the consultation process is terminated; or
- B) if a listed species or its essential habitat or a Natural Area is present within the vicinity of the project, alternatives shall be discussed to avoid or minimize the adverse impacts prior to commencement of the action.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

_____)

Section 1075.80 Alternative Action Guidelines

Alternative Action Guidelines - In order to assist state and local agencies in evaluating and selecting alternatives to proposed actions that adversely affect listed species or their habitat or Natural Areas, the Department may prepare Alternative Action Guidelines for alternatives to a range of actions common to these agencies. These Guidelines shall propose practicable alternatives to actions affecting a listed species or Natural Area, while at the same time maintaining the project purpose to the greatest extent possible. These Guidelines shall serve to encourage the consideration of alternatives prior to initiation of the consultation process. They shall be made available upon request to all units of government as they are prepared.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3) Section Number: Proposed Action:
110.40 Amendment
110.90 Amendment
- 4) Statutory Authority: Implementing and authorized by the Consumer Installment Loan Act (205 ILCS 670)
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments are designed to authorize licensees to use emerging technologies for maintaining and storing records. The Department continues the requirement that prior written approval must be obtained prior to implementing any new system.
- 6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Incorporations by Reference? No
- 9) Are there Any Other amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandate Act, (30 ILCS 805).
- 11) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking: The Department will provide a Response Form upon request. Comments must be received within forty-five days of the date of this publication. Comments are to be submitted to:

M. Rose Kelly
Chief Legal Counsel
Department of Financial Institutions
100 W. Randolph, Suite 15-700
Chicago, Illinois 60601
(312) 814-2008

12) Initial Regulatory Flexibility Analysis:

- A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 9, 1994
- B) Types of Small Business Affected: Consumer Finance Companies.

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- C) Reporting, bookkeeping or other procedures required for compliance: No required change.
- D) Types of professional skill necessary for compliance: No new skills required.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 110
CONSUMER INSTALLMENT LOAN ACT

Section	Definitions
110.1	Minimum Requirements for Office Records
110.10	Loan Register
110.20	Individual Account Records
110.30	File of Original Papers
110.40	Cash Book
110.50	Alphabetical Record of Borrowers, Endorsers, Co-Makers, Obligors or Sureties
110.60	Payments
110.70	Simple Interest Loans
110.80	Cancellation and Return of Documents
110.90	Finance Charges - Rebates and Delinquency Charges
110.100	Hypothecation of Borrower's Notes
110.110	Legal Forms
110.120	Judgments
110.130	Sale of Security
110.140	Trouble File
110.150	Lien Charges
110.160	Insurance
110.170	Office and Office Hours
110.180	Advertising
110.190	Other Business
110.200	Communications and Remittances
110.210	Credit Practices
110.220	General
110.230	Hearing Procedures
110.240	Illinois Rule of 78 Fraction for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months
TABLE A	Rule of 78 Percentage Rebate Table
TABLE B	

AUTHORITY: Implementing and authorized by the Consumer Installment Loan Act [205 ILCS 670].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; emergency amendment at 11 Ill. Reg. 14141, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 18 Ill. Reg. _____,

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effective _____.

Section 110.40 File of Original Papers

- a) 1) A separate file (such as an envelope or folder) shall be maintained for each borrower and shall contain the note, security agreement, or financing statement, wage assignment, acknowledged copy of the disclosure statement of loan, a separately signed statement indicating the borrower has received a copy of right to rescind (if required), or waiver, if any, and all other evidence of indebtedness or security pertaining to the loan, except when said documents are in the custody of a court or of an agent for collection, or are hypothecated as herein provided. Evidence of disclosure must be retained for two years from the date of the loan. Where prior written approval has been obtained from the Department, a licensee may maintain these files in any medium or format which accurately reproduces original documents or papers.
- 2) When a borrower is also a co-maker, guarantor, obligor or endorser on another loan, the file of such borrower shall be cross-referenced to the other, unless such cross-reference is included on the alphabetical record required by Section 110.60. Other papers relating to the borrower or his loan may be kept in the same or a separate file in the same office.
- b) All legal instruments bearing evidence of indebtedness taken in connection with a loan and executed by a borrower including the disclosure statement of loan must bear the loan number.
- c) No licensees shall take any instruments in which the blanks are not filled in completely before the proceeds of the loan are delivered. All spaces or sections not used in the preparation of legal documents shall be ruled out or designated as "none".
- d) The name and address of the licensee making the loan must appear on any note, wage assignment, security agreement or other legal instrument taken from a borrower, before the proceeds of the loan are delivered.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 110.90 Cancellation and Return of Documents

All original legal documents executed by the borrower bearing evidence of indebtedness shall be cancelled and returned to the borrower promptly following the renewal or paid in full date. Where prior written approval has been obtained from the Department and original documents are not available, a licensee shall substitute copies reproduced from any medium or format which accurately reproduces the original documents. On renewal, continuing security agreements may be retained until subsequent loans are paid in full. If an

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executed copy of a legal document is retained following payment in full or renewal, to comply with "Truth in Lending" it must be clearly marked "PAID", "CANCELLED" or "RENEWED", indicating the date of payment or renewal. Copies clearly identified with the legend "COPY NOT NEGOTIABLE", or similar language, may be used in lieu of this requirement.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Sales Finance Agency Act
- 2) Code Citation: 38 Ill. Adm. Code 160
- 3) Section Number: Proposed Action:
- | | |
|--------|-----------|
| 160.10 | Amendment |
| 160.40 | Amendment |
| 160.90 | Amendment |
- 4) Statutory Authority: Implementing and authorized by the Sales Finance Agency Act (205 ILCS 660)
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments are designed to authorize licensees to use emerging technologies for maintaining and storing records. The Department continues the requirement that prior written approval must be obtained prior to implementing any new system.
- 6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Incorporations by Reference? No
- 9) Are there Any Other amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandate Act (30 ILCS 805).
- 11) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking: The Department will provide a Response Form upon request. Comments must be received within forty-five days of the date of this publication. Comments are to be submitted to:

M. Rose Kelly
 Chief Legal Counsel
 Department of Financial Institutions
 100 W. Randolph, Suite 15-700
 Chicago, Illinois 60601
 (312) 814-2008

- 12) Initial Regulatory Flexibility Analysis:

- A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 9, 1994

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- B) Types of Small Business Affected: Consumer Finance Companies.
- C) Reporting, bookkeeping or other procedures required for compliance: No required change.
- D) Types of professional skill necessary for compliance: No new skills required.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 160

SALES FINANCE AGENCY ACT

Section	Minimum Requirements for Office Records
160.10	Transaction Register
160.20	Individual Account Cards
160.30	File of Original Papers
160.40	Cash Book
160.50	Alphabetical Records of Buyers, Co-Purchasers and Obligors
160.60	Payments
160.70	Delinquency Charges (Default Charges)
160.80	Cancellation and Return of Documents
160.90	Extensions--Renewals--Rebates
160.100	Hypothecation of Security Instruments
160.110	Legal Forms
160.120	Judgments
160.130	Sale of Security
160.140	Trouble File
160.150	Lien Charges
160.160	Insurance
160.170	Office and Office Hours
160.180	Advertising
160.190	Business Source and Affiliates
160.200	Communications and Remittances
160.210	Credit Practices
160.220	General
160.230	

AUTHORITY: Implementing and authorized by the Section 8(9) of the Sales Finance Agency Act (205 ILCS 660)

SOURCE: Filed September 21, 1970; amended at 5 Ill. Reg. 1358, effective February 3, 1981; codified at 7 Ill. Reg. 11728; amended at 9 Ill. Reg. 1370, effective January 17, 1985; amended at 12 Ill. Reg. 17844, effective October 24, 1988; amended at 18 Ill. Reg. _____, effective _____.

Section 160.10 Minimum Requirements for Office Records

- a) Every licensee shall keep the following records or their equivalent:
- 1) Transaction register.
 - 2) Individual accounts cards of all obligors.
 - 3) File of all original papers or where prior written approval has been obtained from the Department, copies which have been reproduced in any medium or format which accurately reproduces the original papers.

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- Cash Book.
- Alphabetical record of all buyers, co-purchasers, and obligors on all obligations.
- Records pertaining to the conduct of business regulated by the Sales Finance Agency Act shall be kept at the licensed office, separate or readily identifiable from other types of business conducted in the office of the licensee. Combination forms and special systems may be used if in accordance with standard accounting procedures.
- The term "Licensee" as used herein, except as may be excluded by Section 17 of the Act, shall include those licensed under the provisions of the Sales Finance Agency Act and those engaged in the business of a Sales Finance Agency in this State and not required to be licensed as a Sales Finance Agency.
- The terms "transaction" and "contract" as used herein shall be synonymous with Retail Charge Agreement, Retail Installment Contract, and loans secured by Retail Installment Contracts, retail charge accounts or the outstanding balances under such contracts or agreements.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

Section 160.40 File of Original Papers

- A separate file (such as an envelope or folder) shall be maintained for each obligor. Each such file shall contain the contract, security agreement or financing statement, wage assignment, evidence of compliance with the requirements of the Federal Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) and all other instruments which are evidence of indebtedness or security pertaining to the transaction, except when said documents are in the custody of a court or of an agent for collection, or are hypothecated as herein provided. Other papers relating to the obligor or his debt may be kept in the same or a separate file in the same office. Where prior written approval has been obtained from the Department, a licensee may maintain these files in any medium or format which accurately reproduces original documents or papers.
- All legal instruments bearing evidence of indebtedness taken in connection with a transaction and executed by an obligor, including a copy of The Disclosure Statement, if a separate instrument, must bear the transaction number.
- Except for the account number, no licensees shall take the assignment or purchase of any instruments in which the blanks are not filled in completely. All spaces or sections not used in the preparation of legal documents shall be ruled out or designated as "none".
- The name and address of the original seller must be incorporated into or appear on all legal instruments taken from an obligor and acquired by licensee.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 160.90 Cancellation and Return of Documents

All original legal documents executed by the obligor bearing evidence of indebtedness shall be cancelled and returned to the obligor promptly following the renewal or paid in full date. Where prior written approval has been obtained from the Department and original documents are not available, a licensee shall substitute copies reproduced from any medium or format which accurately reproduces the original documents. Continuing security agreements may be retained until subsequent debts are paid in full. If an executed copy of a legal document is retained following payment in full or renewal, to comply with "Truth In Lending" it must be clearly marked, "PAID", "CANCELLED" or "RENEWED", indicating the date of payment or renewal. Copies clearly identified with the legend "COPY NOT NEGOTIABLE" or similar language, may be used in lieu of this requirement.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers:

113.113	Amendment
113.141	Amendment
113.157	Amendment
113.248	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13], P.L. 103-152, Section 1612(a)(1)(C) of the Social Security Act, 20 CFR 46.1110(c), 20 CFR 416.1124 and P.L. 103-66.
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments make the following changes:

Sections 113.113 and 113.141

This rulemaking allows the Department to exempt as income and assets for the AABD program the following:

- Earned Income Tax Credit payments;
- German reparation payments; and
- Payments up to \$2000 per year derived from individual interests in Indian trust or restricted lands.

In accordance with the provisions of 20 CFR 416.1110(c) and Section 1612(a)(1)(C) of the Social Security Act, the Earned Income Tax Credit exemption applies to the amount of earned income tax credit which the client receives either as advance payment or as a refund of federal income tax. These proposed amendments also implement the provisions of 20 CFR 416.1124 by exempting German reparation payments made under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution (Germany Restitution Act) to survivors of the Holocaust. In addition, payments of up to \$2000 per year derived from individual interests in Indian trust or restricted lands under P. L. 103.66 are exempted by these proposed amendments.

Section 113.157

With respect to sponsors of aliens, certain amounts of the income and assets of a sponsor and the sponsor's spouse are deemed available unearned income and assets of the individual alien applying for or receiving AABD assistance. These proposed amendments change the period of time from

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three years to five years for deeming a sponsor's income and assets to a legal alien for purposes of determining financial eligibility for the Aid to the Aged, Blind or Disabled (AABD) program. This rule change is being made in compliance with P. L. 103-152 and with a federal law change for SSI eligibility rules.

Section 113.218

For clients who reside in a dwelling with other individuals, this rulemaking clarifies that the maximum rental allowance applies to the living arrangement rather than the entire dwelling. The current rule does not differentiate between the individual who resides in a dwelling with other persons as a separate household from the individual who shares a residence with other people.

As a result of these proposed amendments, when a client shares a living arrangement, the amount budgeted as rent will be determined on an equal share basis among all the members of the shared household. The shelter maximum will apply to the household rather than to the individual household members.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None

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C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

Budgeting Earned Income For Non-contractual School Employees

PART 113
AID TO THE AGED, BLIND OR DISABLED

Income From Work/Study/Training Programs

SUBPART A: GENERAL PROVISIONS

113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155 Property Transfers For Applications Filed On Or After October 1, 1989
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

Section

113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees

SUBPART D: PAYMENT AMOUNTS

Section

113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

SUBPART E: OTHER PROVISIONS

Section

113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases

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113.302 Interim Assistance
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.320 Redetermination of Eligibility

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application
 113.410 More Likely Than Not Eligible for SSI
 113.415 Non-Financial Factors of Eligibility
 113.420 Financial Factors of Eligibility
 113.425 Payment Levels for Chicago Interim Assistance Cases
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 113.435 Medical Eligibility
 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) (305 ILCS 5/Art. III and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766,

DEPARTMENT OF PUBLIC AID

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effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10767, effective October 16, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11931, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986;

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amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 18 Ill. Reg. _____, effective _____

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Section 113.113 Exempt Unearned Income

- a) The following unearned income from governmental sources shall be ~~is~~ exempt from consideration in determining eligibility for assistance and the amount of the assistance payment: ~~i~~
- ~~a)1~~ The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- ~~b)2~~ The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- ~~c) The value of home produce which is used for personal consumption;~~
- ~~d)3~~ The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 U.S.C. 1780(b)), and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760);
- ~~e)4~~ Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- ~~f)5~~ Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- ~~g)6~~ Any funds distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540;
- ~~h)7~~ Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.);
- ~~i)8~~ Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- ~~j)9~~ Payments to Volunteers under the 1973 Domestic Volunteer Service Act (48 U.S.C. 5044(g)). These include:
- ~~j)A~~ Vista Volunteers; and
- ~~j)B~~ Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCOPE) or the Active Corps of Executives (ACE);
- ~~k)10~~ Income received under the provisions of the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act [320 ILCS 25]. This includes both the benefits commonly known as the "circuit breaker" and "additional grants";
- ~~l) Social Security death benefit expended on a funeral and/or burial;~~
- ~~m)11~~ Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437(f));
- ~~n)12~~ Any payments distributed per capita or held in trust for members of Indian tribes under Sections 5 of P.L. 94-114 that became effective October 17, 1975;
- ~~o)13~~ SSI lump sum payments received by MANG participants who reside in the community (not residing in a long term care facility,

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DMHDD facility or other medical facility);
 ¶14] Any adoption subsidy received from DCFs;
 ¶15] Any foster care payment received from DCFs except independent living arrangement payments;

¶16] Title IV-E adoption assistance or foster care payment received from a state welfare agency of another state are exempt for MANG;
 ¶17] Any payment received from the Self Sufficiency Trust Fund established in accordance with Section 21.1 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705 21.1];

¶18] Any payment received under Title I of P.L. 100-383, the Civil Liberties Act of 1988, which provides that restitution shall be made to United States citizens and permanent resident aliens of Japanese ancestry who were interned during World War II;

¶19] Any payment received under Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, which provides that restitution shall be made to any Aleut living on the date of enactment of P.L. 100-383 (August 10, 1988) who, as a civilian, was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location during World War II; or who was born while his or her natural mother was subject to such relocation;

¶20] Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;

¶21] Payments received under the Radiation Exposure Compensation Act;

¶22] Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS); and

¶23] Earnings, Allowances, and Payments received under Title I of the National and Community Service Act of 1990-1.

¶24] Disaster relief payments provided by federal, State or local government or a disaster assistance organization-1.

25] The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax;

26] German reparations payments made under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution (Germany Restitution Act) to survivors of the Holocaust; and

27] Payments of up to \$2000 per year derived from individual interests in Indian trust or restricted lands under P.L. 103-66.

b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility for assistance and amount of the assistance payment:

1) The value of home produce which is used for personal consumption; and

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2) Social Security death benefit expended on a funeral and/or burial.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 113.141 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) Homestead property
- 2) Personal Property

A) Personal effects extraordinarily and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed \$2,000). Wedding and engagement rings and items required due to medical or physical condition.

B) Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).

3) Resources (for example, land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the individual's equity in the income producing property, provided the property produces a net annual income of at least 6% of the excluded equity value of the property. The equity value in excess of \$6,000 is applied toward the asset disregard. If the activity produces income less than 6% of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to 6% of the equity value (for example, the medical prognosis is that the individual is expected to respond to treatment or drought resistance corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to see if the 6% rule is met and then the amount of the individual's equity in all of those properties producing 6% are totalled to see if the total equity is \$6,000 or less.

4) Automobile

- A) exclude one automobile, regardless of value, used by the client, spouse, or other dependent if:
- i) it is necessary for employment;
 - ii) it is necessary for the medical treatment of a specific or regular medical problem;
 - iii) it is modified for operation by or transportation of a handicapped person;
 - iv) it is necessary because of factors such as climate, terrain or distance to provide necessary

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transportation to perform essential daily activities;
or

- v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).

B) if not excluded in subsection (a)(4)(A) above exclude one automobile to the extent the fair market value does not exceed \$4500. Apply the excess fair market value toward the asset disregard (see Section 113.142). The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).

C) for all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset disregard (see Section 113.142).

- 5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If total face value exceeds \$1,500, the cash surrender value must be counted as a resource.

b) Burial spaces and funds are exempt as follows:

- 1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate family. Immediate family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals.

- 2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which are available for burial expenses.

- 3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5)(1989)).

c) Assets necessary for fulfillment of an approved plan for achieving self support.

- d) Trust funds are exempt as follows:
1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.

- 2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].

e) Assets excluded by express provision of 20 CFR 416.1236(1989).

- f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the

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disbursement of donations or benefits.

- g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.

h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.

i) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

- j) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax.

(Source: Amended at 18 Ill. Reg. _____ effective _____)

Section 113.157 Sponsors of Aliens

a) This Section applies to all aliens except:

- 1) persons paroled into the United States as refugees, under Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));
- 2) persons granted asylum by the Attorney General of the United States under Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);
- 3) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 153(a)(7));
- 4) persons admitted by application after March 31, 1980 under Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1));
- 5) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the United States; and
- 6) MANG applicants and recipients.

b) With respect to sponsors of aliens, certain amounts of the income and assets of the sponsor and sponsor's spouse, if they live together, are deemed available unearned income and/or assets of the individual alien applying for or receiving AABD MAG assistance if:

- 1) the sponsor signed an affidavit of support or a similar agreement assuring the alien would not become a public charge;
- 2) the alien has been a resident of the United States for less than ~~three~~ five years;
- 3) the sponsor is not a recipient of AFDC or SSI, or SSP; and
- 4) the alien is not a child or spouse of the sponsor.

c) A sponsor is an individual, not an organization.

- d) The Department ~~will~~ shall count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support was signed.

e) The sponsor, if found able to support the alien, wholly or partially,

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is liable for the needs of the individual alien only. The sponsor is not responsible for the needs of the spouse or ~~children~~ child or children of the alien if ~~he/she~~ he or she did not sponsor them.

f) If two or more aliens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available as if each alien is the only one sponsored by that person.

g) The Department ~~will~~ shall determine the sponsor's liability to support the alien applicant/ recipient as follows:

- 1) Determination of Sponsor's Available Income
 - A) The Department ~~will~~ shall disregard 20% not to exceed \$175.00, of the earned income of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) The Department ~~will~~ shall add the unearned income of the sponsor and spouse, if they live together.
 - C) If the sponsor's children are living with the sponsor, the Department ~~will~~ shall determine the needs of the sponsor and the sponsor's spouse and family using the appropriate AFDC Assistance Standard (see 89 Ill. Adm. Code 111.101). The sponsor and other individuals living with the sponsor who are claimed as federal tax dependents are included in making this determination.
 - D) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department ~~will~~ shall determine their needs using the appropriate AABD Assistance Standard (see 89 Ill. Adm. Code 111.101).
 - E) The Department ~~will~~ shall deduct from income:
 - i) any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents; and
 - ii) any maintenance or child support paid to individuals not living with the sponsor.
 - F) Any remaining income is applied to the needs of the alien.
- 2) Determination of the Total Amount of Assets of the Sponsor and Sponsor's Spouse.
 - A) The asset disregard for a sponsor of an alien is \$2,000; for a sponsor and spouse residing together, \$3,000; and for a sponsor living with two or more dependent family members, \$3,000 for the sponsor and one dependent plus \$50 for each additional dependent.
 - B) The same assets are exempt as for an AABD case (see Section 113.141).

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 113.248 Shelter

- a) Room and Board

For a client who has room and board arrangements, the actual cost of room and board, not to exceed \$134.98 per month is allowed in Cook, Lake, DuPage, or Kane counties. Clients living in other counties are allowed the actual cost of room and board, not to exceed \$127.43 per month.

- b) Rent

The maximum rental allowance ~~for the dwelling~~ exclusive of utilities, heat, water and furnishings, is the actual cost of rent, not to exceed \$97.00. When a client shares a living arrangement, ~~dwellings~~ the amount budgeted as rent is determined on an equal share basis among all the members of the shared household. The shelter maximum applies to the household ~~dwellings-unit~~, not to the shares of the individual household members.
- c) Property Expense, Taxes and Insurance

For clients living in homestead property, the actual cost, not exceed \$97.00, of property expenses shall be allowed in lieu of rent. Annual expenses (taxes, insurance) prorated on a monthly basis determine the expense.

(Source: Amended at 18 Ill. reg. _____, effective _____)

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1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Number: Proposed Action:

160.12 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)[305 ILCS 5/Art. 12-13] and Public Act 88-307.

5) Complete Description of the Subjects and Issues Involved: This rulemaking is necessary to implement the provisions of Public Act 88-307 regarding the Administrative Accountability Process. The Administrative Accountability Process is used when the applicant or client is not satisfied with the handling or explanation received from the Department regarding his or her child support case. These proposed amendments place the provisions of the Administrative Accountability Process into rule.

As a result of these proposed amendments, a recipient of or an applicant for child support enforcement services may request an explanation of any decision, not appealable and/or not subject to other review, denying or terminating services or concerning the Department's or its contractor's alleged failure to provide services or the provision of services in an amount or manner that is considered inadequate. The request for an explanation must be in writing and specify the decision, alleged failure to act or deficient action that is the basis for the request and be submitted to the Department within 60 days after the action or alleged failure to act. At the option of the applicant or recipient, the Department's explanation shall be provided orally in an interview, in writing, or both orally and in writing. The Department will respond to a timely request for an explanation within 30 days from the date of the request.

A recipient of or an applicant for child support enforcement services may request a conference if the Department fails to respond to a request for an explanation or fails to respond in a manner satisfactory to the recipient or applicant within 30 days from the date of the request for an explanation. A request for a conference must be in writing and if applicable, state why the Department's explanation was not satisfactory, indicate whether the recipient or applicant wants the conference to be conducted in person or by telephone and be submitted to the Department within 60 days after the explanation was provided by the Department, or within 60 days after the time for providing an explanation expired. If a timely request for a conference is received by the Department, the office of the administrator of the child support enforcement program will provide a conference.

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A recipient or applicant who has requested a conference may review the Department's record pertaining to the explanation before or at the conference, be represented in the conference by a person of his or her own choosing and present relevant matters at the conference in support of his or her position. No part of the Department's cost for providing a conference will be borne by the recipient or applicant.

The conference will be conducted by a representative of the Department's child support enforcement program who did not participate in the alleged action or inaction which is the subject of the conference. The conference will be conducted and written results of the conference provided to all interested parties within 60 days from the date of submittal of the request for a conference, unless there is delay in the conduct of the conference brought about by the recipient or applicant or his or her representative.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
160.70	Amendment	September 24, 1993 (17 Ill. Reg. 15229)
160.75	Amendment	December 31, 1993 (17 Ill. Reg. 22269)
160.77	Amendment	August 19, 1994 (18 Ill. Reg. 12604)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

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- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section	
160.1	Incorporation by Reference
160.5	Definitions
160.10	Child Support Enforcement Program
160.12	Administrative Accountability Process
160.15	Application Processing Fee for IV-D Non-AFDC Cases
160.20	Assignment of Rights to Support
160.25	Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section	
160.30	Cooperation With Support Enforcement Program
160.35	Good Cause For Failure to Cooperate With Support Enforcement
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section	
160.60	Establishment of Support Obligations
160.65	Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section	
160.70	Enforcement of Support Orders
160.75	Withholding of Income to Secure Payment of Support
160.77	Past Due Support Information to State Occupational Licensing Agencies
160.80	Amnesty - 20% Charge
160.85	Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
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- 160.100 Distribution Of Child Support For AFDC Recipients
 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
 160.132 Distribution Of Child Support for Non-AFDC Clients
 160.134 Distribution Of Child Support for Interstate Cases
 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section
 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- Section
 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3, and 12-13) [305 ILCS 5/4-1.7, Art. 10, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16738, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18

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Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 160.12 Administrative Accountability Process

- a) A recipient of or an applicant for child support enforcement services may request an explanation of any decision, not appealable and/or not subject to other review, denying or terminating services or concerning the Department's or its contractor's alleged failure to provide services or the provision of services in an amount or manner that is considered inadequate.
 b) A request for an explanation must be in writing and:
 1) specify the decision, alleged failure to act or deficient action that is the basis for the request; and
 2) be submitted to the Department within 60 days after the action or alleged failure to act.
 c) At the option of the applicant or recipient, the Department's explanation shall be provided orally in an interview, in writing, or both orally and in writing.
 d) The Department shall respond to a timely request for an explanation within 30 days from the date of the request.
 e) A recipient of or an applicant for child support enforcement services may request a conference if the Department fails to respond to a request for an explanation or fails to respond in a manner satisfactory to the recipient or applicant within 30 days from the date of the request for an explanation.
 f) A request for a conference must be in writing and:
 1) if applicable, state why the Department's explanation was not satisfactory;
 2) indicate whether the recipient or applicant wants the conference to be conducted in person or by telephone; and
 3) be submitted to the Department within 30 days after the explanation was provided by the Department, or within 60 days after the time for providing an explanation expired.
 g) If a timely request for a conference is received by the Department, the office of the administrator of the child support enforcement program shall provide a conference.
 h) A recipient or applicant who has requested a conference may:
 1) review the Department's record pertaining to the explanation before or at the conference;
 2) be represented in the conference by a person of his or her own choosing; and
 3) present relevant matters at the conference in support of his or her position.
 i) No part of the Department's cost for providing a conference shall be borne by the recipient or applicant.

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j) A conference shall be conducted by a representative of the Department's child support enforcement program who did not participate in the alleged action or inaction which is the subject of the conference.

k) A conference shall be conducted and written results of the conference provided to all interested parties within 60 days from the date of submittal of the request for a conference, unless there is delay in the conduct of the conference occasioned by the recipient or applicant or his or her representative.

(Source: Added at 18 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: Proposed Action:
117.15 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)[305 ILCS 5/12-13] and SB 776.
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement provisions of Senate Bill 776 which clarify that reinstatement for failure to cooperate does not apply to situations in which a client fails to cooperate with the monthly reporting process. As a result of this rulemaking, the policy in 89 Ill. Adm. Code Section 117.15 will not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
 - B) Types of small businesses affected: None

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C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section	
117.1	Incorporation By Reference
117.10	Payee For Financial Assistance
117.15	Reinstatement Upon Agreement to Cooperate
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, ARBD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. 3, 4 and 6, and 5/12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994;

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amended at 18 Ill. Reg. _____, effective _____.

Section 117.15 Reinstatement Upon Agreement to Cooperate

- a) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
- b) Failure to cooperate includes but is not limited to:
- 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten (10) working days after the first day the financial aid would have been available, the Department shall inform the client that he/she his or her financial assistance will be reinstated if he/she he or she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he/she he or she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
- d) The client's willingness to cooperate shall be demonstrated by his/her his or her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.
- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten (10) working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) of this Section above.
- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.
- g) The policy in this Section also does not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process.

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(Source: Amended at 18 Ill. Reg. _____, effective _____.)

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1) Heading of the Part:

WIC Vendor Management Code

2) Code Citation:

77 Ill. Adm. Code 672

3) Section Numbers:

	<u>Proposed Action:</u>
672.100	Amendment
672.105	Amendment
672.200	Amendment
672.205	Amendment
672.210	Amendment
672.220	Amendment
672.225	Amendment
672.315	Repealer
672.405	Amendment
672.420	Amendment
672.445	Amendment
672.450	Amendment
672.505	Amendment
672.510	Amendment
672.515	Amendment
672.520	Amendment
672.525	Repealer
672.600	New Section
672.605	Repealer
672.610	Amendment
672.615	Repealer
672.620	Repealer
672.625	Repealer
672.630	Repealer
672.635	Repealer
672.640	Repealer
672.645	Repealer
672.650	Repealer
672.655	Repealer
672.660	Repealer
672.665	Repealer
672.670	Repealer

4) Statutory Authority:

Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255].

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5) A Complete Description of the Subject and Issues Involved:

These amendments reduce and clarify the sanctions and definitions of the levels of violations and clarifies when a breach of contract occurs. The rulemaking also clarifies hearings procedures to make them consistent with the procedures used for other administrative hearings before the Department. A provision of the rules concerning the amount a vendor will be authorized to charge the Department for WIC food items has been simplified from a maximum of 95% of the Department estimated cost for WIC foods to a maximum of 95% of the maximum value of the food instrument or the lowest shelf price for WIC food items, whichever is less. The rulemaking also specifies that the 30 day notice period for changes in the vendor contract does not apply to changes resulting from emergency rulemakings.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☒ No ☐7) Does this Rulemaking Contain an Automatic Repeal Date?Yes ☐ No ☒8) Does this Rulemaking Contain any Incorporations by Reference?Yes ☐ No ☒9) Are there any other Proposed Amendments Pending on this Part?Yes ☐ No ☒

If yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will have no economic effect on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. Davito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with

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Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

WIC vendors.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

D) Types of Professional Skills Necessary for Compliance:

The full text of the Proposed Amendments begins on the next page.

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: MATERNAL AND CHILD HEALTH

PART 672

WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section	Definitions
672.100	Incorporated and Referenced Materials
672.105	Purpose
672.110	Application of These Rules
672.115	

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section	Geographic Distribution and Number of Vendors
672.200	Application Procedures
672.205	Authorization Criteria and Procedures
672.210	WIC Food List and Quantities
672.215	Criteria for Denial of Authorization
672.220	Denial of Authorization
672.225	

SUBPART C: WIC VENDOR EDUCATION

Section	Initial WIC Retail Training by the Department
672.300	Initial WIC Retail Training by a Vendor
672.305	Annual WIC Retail Training Program
672.310	Compliance Training Workshop <u>(Repealed)</u>
672.315	

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section	Authorization
672.400	WIC Vendor Contract Requirement
672.405	Expiration of WIC Vendor Authorization and Contract
672.410	Food Instrument Processing
672.415	Specifications for Rejection of Food Instruments
672.420	WIC Retail Vendor Responsibilities
672.425	Payment Obligation
672.430	Conflict of Interest
672.435	Unlawful Discrimination
672.440	Amendments Resulting From a Change in Statute or Regulation
672.445	Assignment or Transfer
672.450	Civil Law Suits
672.455	Voluntary Withdrawal from the WIC Vendor Contract
672.460	

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672.465 Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section

672.500 Compliance Monitoring Inspections

672.505 Violations

672.510 WIC Vendor Sanctions

672.515 Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment672.520 Breach of Contract ~~Suspension--of--Authorization--Termination--of~~~~Authorization--Prohibition--and/or Fine--Assessment~~

672.525 Notice of Violation (Repealed)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR

ADMINISTRATIVE HEARINGS

Section

672.600 Hearings ~~Applicability--(Repeated)~~

672.605 Parties to Hearings (Repealed)

672.610 Appearance and Representation of a Party

672.615 Commencement of an Action (Repealed)

672.620 Motions (Repealed)

672.625 Discovery (Repealed)

672.630 Form of Papers (Repealed)

672.635 Service (Repealed)

672.640 Pre-Hearing Conferences (Repealed)

672.645 Conduct of Hearings (Repealed)

672.650 Subpoenas (Repealed)

672.655 Burden of Proof (Repealed)

672.660 Administrative Law Judge's Report and Final Repealed Decision

672.665 Records of Proceedings (Repealed)

672.670 Miscellaneous (Repealed)

APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 672.100 Definitions

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"Act" means the WIC Vendor Management Act. (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]

"Administrative Law Judge" means any person appointed by the Director to preside at an Administrative Hearing.

"Administrative Warning" means a written notice which describes the nature of a violation to the WIC Program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Retail Vendor.

"Applicant's Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the Applicant's lowest shelf price for each item as determined during the Retail Vendor Price Survey. These totals are then added together to determine the cost of all items in the Composite Market Basket. In determining the lowest shelf price for juice, cheese and cereal, the Department will use the average of the lowest shelf prices of the two varieties which the Department has determined are the most frequently received varieties of that WIC Food item. If the Applicant has no supply of one or both of the most frequently received varieties, the Department will use the one or two varieties with the lowest shelf price. In determining the lowest shelf price for infant formula, the Department will use a weighted average of the lowest shelf prices for the WIC approved brands, taking into account the percentage of each brand used by WIC Participants.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Composite Market Basket" means those quantities of WIC Food items received by a statistically average WIC Participant over a one month period.

"Contested Case" shall have the meaning ascribed it in Section 1-30 of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-30) [5 ILCS 100/1-30]

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"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the *Illinois Department of Public Health*. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Director" means the Director of the Illinois Department of Public Health or designee.

"Expired Food" means a WIC Food item available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item and labeled as one of the following: expiration date, "Sell By" date, "Best If Used By" date, "Best When Purchased By" date, or "Best If Used By" date printed on the item.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"IAPA" means the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100]

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC foods by submitting a Food Voucher to a WIC Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by

the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods from a Vendor to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC Foods charged to the general public, identifying the price of the specific WIC Food item. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672. Appendix A.)

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"Regional Average Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the average regional shelf price for that item as derived from the Retail Vendor Price Survey for that region weighted to reflect the distribution of Store Types in the Region. These totals are then added together to determine the regional average cost of all items in the Composite Market Basket.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site and a WIC Food Center is a type 6 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Nutrition Service, Special Supplemental Food Program for Women, Infants, and Children as updated. 7 CFR 246 (1990)

"Valid WIC Retail Vendor Contract" means a contract that is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or

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statutes or local laws.

"WIC Food Centers" are WIC food distribution sites through which the Department or its Representative provide the direct distribution of WIC foods.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" means those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives.

"Women Infants and Children Nutrition Program" and "WIC" mean the Federal Special Supplemental Food Program for Women Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). (Section 3(a) of the Act)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.105 Incorporated and Referenced Materials

- a) The following materials are incorporated or referenced in various Sections of the Part:
- 1) The WIC Vendor Management Act⁷ (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]
 - 2) USDA WIC Regulations, 7 CFR Part 246 (September 1990)
 - 3) The Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1 et seq.) [30 ILCS 505] (Sections 672.210(a)(5) and (7) and 672.435)
 - 4) Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, par. 33E-3 and 33E-4) [720 ILCS 95 5/33E-3 and 33E-4] (Section 672.210(a)(10))
 - 5) Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, par. 2-102(a)) [755 ILCS 5/2-102] (Section 672.440)
 - 6) Code of Federal Regulations, 7 CFR 15, 15a and 15b (Section 672.440);
 - 7) Rules of Practice and Procedure in Administrative Hearing, -- Ill. Adm. Code 100.

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b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the January 1990 Code of Federal Regulations, unless another date is specified.

d) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code (2 Ill. Adm. Code 1126)) by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section 672.200 Geographic Distribution and Number of Vendors

Prior to offering an application to a potential Applicant vendor, the Department shall utilize Participant/Vendor Ratios and shall consider Participant needs within geographical locations to determine if the Applicant meets the Regional Participant/Vendor Ratio to be eligible for selection. The Participant/Vendor Ratio shall be calculated for the geographic regions within the State of Illinois (see Appendix A) to determine the need for WIC Retail Vendors within such regions. Participant/Vendor Ratios for each of the nine (9) regions within Illinois shall be:

a) Regions one (1) through six (6) shall be greater than 40, but shall be less than 60. Regions seven (7) and eight (8) shall be greater than 100, but shall be less than 160. Region nine (9) shall be greater than 75, but less than 175. Upon the effective date of this Part, region nine (9) shall be greater than 145, but less than 175.

b) With the exception of a Pharmacy, if an Applicant applies for WIC Authorization in a region which has more vendors than the minimum number of vendors allowed in the region, the Applicant shall not be authorized unless the Applicant agrees to charge the Department a maximum of ninety-five percent (95%) or less of the maximum value of the Food Instrument(s) or of the lowest shelf price for WIC food items, whichever is less, Department-Estimated-Cost-for-WIC-foods and agrees not to exceed this ninety-five percent (95%) level for more than two (2) months during the contract period of Authorization. Vendors authorized under this provision whose charges to the Department exceed ninety-five (95%) of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less, Department-Estimated-Cost shall be placed on probation for the duration of their contract period. In addition, such Vendors shall reimburse the Department for the difference between the amount received and ninety-five percent (95%) or less of the maximum value of

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the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less. If the Vendors do not pay this reimbursement within thirty (30) calendar days from the date they are notified, they shall be subject to violations specified in Section 672.505(a) subject-to the sanctions-specified-in-Section-672-510(a).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.205 Application Procedures

The Department shall provide an Application for applying to become an authorized WIC Retail Vendor. Submission of a completed Application shall not constitute Authorization to an Applicant to accept or receive payment for Food Instruments. Any Application submitted improperly or incompletely shall be returned to the Applicant. Any Application not completed and returned to the Department within ninety (90) calendar days from receipt by the Applicant shall not be processed. An Applicant can apply for Authorization to become a WIC Retail Vendor by submitting the following to the Department:

a) An Application for WIC Vendor Authorization as a sole proprietorship shall include the following:

- 1) identity, address, and date of birth of owner;
- 2) the Federal Employer Identification Number (FEIN) of the Business Entity;
- 3) identification of any ownership interest of thirty percent (30%) or more in any other entity applying for WIC Vendor Authorization or WIC Vendor;
- 4) identification of the Business Entity, the Store Type, location of the proposed Vendor Site and an employee contact for WIC purposes;
- 5) proof of the owner's identity;
- 6) proof of the Business Entity's FEIN;
- 7) proof of USDA Food Stamp Authorization, if applicable; and
- 8) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.

b) An Application for WIC Vendor Authorization as a corporation shall include the following:

- 1) identity and location of the corporation's principal place of business;
- 2) identity and address of the corporation's registered agent;
- 3) FEIN of the corporation;
- 4) identification, address and date of birth of any individual with an ownership interest of thirty percent (30%) or more by the stockholders and such an ownership interest by these stockholders in any other entity applying for WIC Vendor Authorization or WIC Vendor;
- 5) identification of the Business Entity, the Store Type, location

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of the proposed Vendor Site and an employee contact for WIC purposes;

6) ~~Certificate of Good Standing from the Illinois Secretary of State;~~

6) Certification of Incorporation from the State in which the Applicant is incorporated;

7) Identification, and address and date of birth of each Corporate Officer;

8) proof of identity for each Corporate Officer;

9) proof of corporation's FEIN;

10) proof of USDA Food Stamp Authorization, if applicable; and
11) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 under the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.

c) An Application for WIC Vendor Authorization as a partnership or limited partnership shall include the following:

1) identity and address of each limited and general partner and the registered agent;

2) ownership percentages of each limited and general partner;

3) FEIN of the partnership or limited partnership;

4) identification of an ownership interest of thirty percent (30%) or more by the partners listed in subsection (c)(1) above and such an ownership interest by these partners in any other entity applying for WIC Vendor Authorization or WIC Vendor;

5) identification of the Business Entity, the Store Type, location of the proposed Vendor Site and an employee contact for WIC purposes;

6) proof of identity of each limited and general partner and date of birth;

7) proof of the partnership or limited partnership FEIN;

8) proof of USDA Food Stamp Authorization, if applicable;

9) if a limited partnership, it must provide a Certificate of Existence issued by the Illinois Secretary of State; and

10) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 under the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.

d) Each owner, partner, limited partner, or shareholder of five percent (5%) or more of any stock shall also provide a statement concerning any conviction for a misdemeanor involving fraud, theft, or misuse of state or federal funds or any felony.

e) Each Applicant or authorized representative shall attest to the accuracy of information provided in the Application.

f) The Applicant shall have an obligation to notify the Department in writing, by Certified Mail, of material changes in information contained on the Application after Authorization and during the term of the WIC Vendor Authorization.

g) Proof of FEIN shall include a copy of a notice of new employer

identification number assigned or a copy of the Federal Tax Deposit Coupon.

h) Proof of identity shall include a copy of the Applicant's driver's license or an identification card issued by the Illinois Secretary of State.

i) If applicable, proof of USDA Food Stamp Authorization shall include a copy of the federal Food Stamp Program Authorization/Retailer Card.

j) The Applicant shall provide documents which verify the date of purchase or acquisition of the Business Entity for which the Applicant is seeking WIC Vendor Authorization.

k) Each Applicant shall attest to compliance with necessary local, municipal, or village licenses at the proposed Vendor Site.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.210 Authorization Criteria and Procedures

a) Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Instruments or otherwise provide supplemental foods to WIC Participants, Proxies or Department Representatives. Any Applicant seeking Authorization to become a WIC Retail Vendor has an obligation to meet the following criteria before Authorization. In addition, any authorized Vendor has a continuing obligation to meet the below listed criteria during the period of Authorization:

1) The Vendor Site shall be located within the boundary lines of the State of Illinois.

2) The Vendor Site shall have a fixed and permanent location. This site shall be the address indicated on the WIC Vendor Application and shall be the location where a WIC participant, Proxy or Department Representative shall select WIC Foods during business hours.

A) This site shall not be at an address or within any building where Food Instruments are distributed to WIC Participants.

B) The price charged to the WIC Program for WIC Foods provided through Participant Requested Delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge for delivery of WIC Foods.

3) Each Vendor Site listed in the Application shall have seventy percent (70%) or more gross receipts from the sale of non-alcoholic products.

4) Authorization to participate in the USDA Food Stamp Program or any other federal food program is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an Applicant or Vendor has been authorized to participate in the USDA Food Stamp Program or other federal food program, he shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the two (2) years preceding

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- c) Neither the Applicant, Vendor, nor any officers or officials shall have been involved in bribery as prohibited under Section 10.1 of the Illinois Purchasing Act. (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1]
- e) The Applicant or approved Vendor shall be barred from receiving state contracts as a result of any default on any educational loans as that term is defined in the Educational Loan Default Act. (Ill. Rev. Stat. 1991, ch. 127, par. 3550 et seq.) [5 ILCS 385]
- 7) Neither the Applicant, Vendor, nor his or her spouse or minor children, shall hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor Authorization as prohibited under Section 11.1 of the Illinois Purchasing Act.
- 8) Neither the Applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than seven and one-half percent (7 1/2%) ownership or beneficial interest in the Business Entity seeking Authorization to participate in the WIC Program shall be employed by the Program of a Local Agency.
- 9) Neither the Applicant, nor the Vendor shall have been convicted of a misdemeanor involving fraud, misuse or theft of State or Federal funds or of any felony. A certified copy of conviction may be offered and admitted into evidence as proof of such conviction.
- 10) The Applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 1961.
- 11) Neither the Applicant, Vendor, nor any owner of thirty percent (30%) or more ownership shall have been terminated from the WIC Program in the previous three (3) years.
- 12) The Applicant or Vendor shall adhere to the provisions of the USDA WIC Regulations, the Act, and this Part.
- 13) With the exception of a Pharmacy, if the Applicant is a current or former Vendor, the Applicant's charges to the WIC Program as a percentage of the Department Estimated Cost may be ranked against other current or former Vendor Applicants and may be used as an Authorization criteria in order to meet the minimum number of Vendors needed in a region (Section 672.200) (7 CFR Part 246.12(e)(2)).
- b) Applicants shall be authorized as WIC Retail Vendors based upon the following:
 - 1) An Application and all supporting documents shall be properly completed and verified by the Department. No Application shall be deemed complete unless it includes all necessary supporting documents required by this Part.
 - 2) The Applicant's proposed Vendor Site shall be inspected by the

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Department.

- A) The Department shall conduct an inspection of the proposed Vendor Site after receipt of a completed Application. Such inspection shall determine whether the Applicant has the minimum quantities, sizes, and types of WIC Foods and shall verify any business or financial information submitted by the Applicant. Food products originating from WIC Food Centers or CSEF shall not be counted towards the minimum quantities, sizes, and types of WIC foods.
- B) If the inspection by the Department discloses that the Applicant's proposed Vendor Site does not have the minimum quantities, sizes, and types of WIC Foods necessary or that business or financial information supplied by the Applicant is erroneous, inaccurate or insufficient, the Application shall be denied.
- 3) The minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site are those specified in the WIC Vendor Contract. A copy of this list shall be provided to each Applicant and authorized Vendor.
- 4) The Department shall complete a Retail Vendor Price Survey of WIC Foods during the inspection by collecting the lowest posted shelf prices for WIC Foods. If the Applicant's Composite Food Package Cost exceeds the Regional Average Composite Food Package Cost by five percent (5%) or more greater than the Regional--Average Composite--Food--Package--Cost, the Application shall be denied, unless the Applicant is a Pharmacy or drug store which only redeems Food Instruments for infant packages.
- 5) The Applicant shall be notified by the Department, within thirty (30) calendar days, whether or not the inspection of the proposed Vendor Site, the business, the financial, or other information provided by the Applicant meet the criteria set forth in this Part. If the Applicant meets such criteria, he shall be notified in writing of approval to attend the initial Retail Vendor training course or of his eligibility for an initial Retail Vendor training course or of his eligibility for an initial retail vendor training course waiver. (See Section 672.300)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.220 Criteria for Denial of Authorization

A determination by the Director or designee to deny Authorization shall be based upon a finding that one (1) or more of the following criteria are met:

- a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.
- b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of the on

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site inspection of the proposed Vendor Site.

- c) The Applicant has refused to allow the Department access to inspect the proposed Vendor Site during the Applicant's normal business hours.
- d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.
- e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.
- f) With the exception of Pharmacies, the Applicant has previously been authorized as a WIC Vendor and the Applicant's charges as a Vendor for WIC Foods, for a minimum of three (3) months during the contract period, were:
 - 1) more than the Department Estimated Costs for those WIC Foods as reflected in the Vendor Price Survey; or
 - 2) at least five percent (5%) or greater than the average charges submitted by other Vendors of the same Store Type in the same geographic region.
- g) The Applicant has previously been authorized as a WIC Vendor and the Applicant had more than one percent (1%) per month of all Food Instruments submitted to the contract bank rejected for a maximum of three (3) months during a contract period.
- h) The USDA Food Stamp Program has imposed against the Applicant any of the following sanctions:
 - 1) civil money penalty;
 - 2) suspension;
 - 3) disqualification;
 - 4) permanent disqualification.
- i) Failure to pay any fine or reimbursement within the time specified by the Department.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.225 Denial of Authorization

- a) Application for Authorization as a WIC Retail Vendor shall be denied when the Director ~~or-designee~~ finds that an Applicant meets any of the criteria set forth in Section 672.220.
- b) When the Director ~~or-designee~~ determines that the Application for Authorization as a WIC Retail Vendor is to be denied, the Department shall notify the Applicant. The notice to the Applicant shall be in writing and shall include:
 - 1) A clear and concise statement of the basis for denial. The statement shall include a citation to the USDA WIC Regulations, the Act, or the provisions of this Part for which the Application is being denied.
 - 2) A description of the right of the Applicant to appeal the denial

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of the Application within fifteen (15) calendar days of receipt of the letter and the right to a hearing.

- 3) A statement that the Applicant may not reapply again for a minimum one hundred eighty (180) calendar days from the date of the notice.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART C: WIC VENDOR EDUCATION

Section 672.315 Compliance Training Workshop (Repealed)

- a) ~~Any WIC-Retail-Vendor who has been found to have committed a Class-B or Class-C violation as defined in Section 672.505, shall be required to attend a compliance training workshop as requested in Section 672.510. Any Vendor required to attend shall not represent more than one (1) WIC-Retail-Vendor Site at any compliance workshop. Attendance at a compliance training workshop must be completed within the time period specified in a final order entered pursuant to Section 672.660.~~
- b) ~~The Vendor shall be notified in writing of the workshop date by the Department.~~
- c) ~~Workshop topics shall include, but not be limited to the following: the WIC Vendor Contract; the USDA WIC Regulations; the Act; and the provisions of this Part.~~
- d) ~~All Vendors or representatives of the Vendor at a compliance workshop shall sign a roster indicating their attendance.~~
- e) ~~At the end of the compliance workshop, each Vendor or representative of the Vendor shall sign a certification of understanding of the topics addressed during the compliance workshop.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director ~~or-designee~~ consistent with USDA WIC Regulations (7 CFR 246.12 (f) (1)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.

- a) A failure by a Vendor to provide any information, as specified herein, shall be deemed to constitute a material breach of contract.

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- b) Currently authorized WIC Retail Vendors shall be required to submit completed applications once every two (2) years.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.420 Specifications for Rejection of Food Instruments

- a) Food Instruments shall be rejected for payment for the following reasons:

- 1) Submission of a Food Instrument before the "First Day To Use".
- 2) Submission of a Food Instrument for payment more than sixty (60) calendar days past the "First Day To Use".
- 3) Submission of a Food Instrument identified by the Department or the Department's contract bank as Invalid Vendor.
- 4) Submission of a Food Instrument by an unauthorized Vendor, or submission of a Food Instrument which has an unauthorized, inaccurate, or missing Vendor Number.
- 5) Submission of a Food Instrument without a Participant or Proxy signature.
- 6) Submission of a Food Instrument whose value is greater than the maximum value amount printed on the Food Instrument.
- 7) Submission of a Food Instrument which has been altered.
- 8) Submission of a Food Instrument which has been fraudulently created.
- 9) Submission of a Food Instrument after notice that a material breach of contract has occurred (Section 672.520515ff).
- 10) Submission of a Food Instrument accepted after the term of the contract expires.

- b) The following Food Instruments presented to the Department's contract bank shall not be paid:

- 1) Food Instruments without the participant's signature;
- 2) Food Instruments with a missing, inaccurate, or Invalid Vendor Number;
- 3) Food Instruments submitted for payment before the "First Day to Use";
- 4) Food Instruments that have been altered;
- 5) Food Instruments that are over the maximum value; or
- 6) Food Instruments that have not been obligated by the local agency (stolen stock).

- c) Appeal procedures for Food Instruments rejected as "Invalid Vendor" and "Amount Invalid" are stated below:

- 1) The Vendor shall have the option to restamp the Food Instruments which were rejected for "Invalid Vendor". The corrected Food Instrument(s) may be resubmitted according to the instructions described in Section 672.415(g) and (h).
- 2) The Vendor shall have the option to correct the "Actual \$ Amount of Sale" on the Food Instruments rejected for "Amount Invalid". The corrected Food Instrument(s) may be resubmitted according to

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- d) Excessive rejection of Food Instruments shall be grounds for denial of authorization of the Vendor's Contract as cited in Section 672.220(g).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.445 Amendments Resulting From a Change in Statute or Regulation

The Department shall amend the WIC Vendor Contract, in writing, to include or incorporate additional provisions which shall be required as a result of a change in Federal or State statute or regulation or which shall be required by the Department for the administration, operation, or evaluation of the WIC Program. The Vendor shall receive thirty (30) calendar days notice of the effective date of such amendments, except where such amendments are required as a result of emergency rules adopted pursuant to Section 5-45 of the Illinois Administrative Procedure Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.450 Assignment or Transfer

- a) The Vendor shall not sell, assign, or transfer in any manner its Authorization, the WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be a material breach of the WIC Vendor Contract.

- b) It shall also be a material breach of the WIC Vendor Contract if any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former vendor improperly acquires WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm, and shall subject the Vendor to termination of its Authorization and a fine assessment in accordance with Sections 672.510, 672.515 and 672.520 of these rules. In addition, any assignee, transferee, buyer, or recipient of a Vendor's Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be in violation of this Part and shall be subject to the sanctions set forth in Section 672.510(c)ff of these rules.

- c) At least fifteen (15) calendar days in advance, the Vendor shall notify the Department of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity, or of any sale of a majority interest in the Vendor's Corporation, partnership, sole proprietorship, or Business Entity business-entity. Such notification shall be sent by certified mail and in writing to the place and address listed in the WIC Vendor Contract, Section XVI Notices.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

a) Class A Violations:

- 1) Imposition of any of the following sanctions by the USDA Food Stamp program:
 - A) civil money penalty
 - B) suspension
 - C) disqualification
 - D) permanent disqualification
- 2) Exchanging cash for Food Instrument(s).
- 3) Exchanging non-food items for Food Instrument(s).
- 4) Charging WIC Participants, Proxies or Department Representatives more for WIC Foods than non-WIC customers.
- 5) Charging the WIC Program for WIC Foods not received by the Participant, Proxy or Department Representative.
- 6) Claiming reimbursement for the sale of any amount of WIC Food which exceeds the store's documented inventory of that food for a specified period of time.
- 7) Submitting false, erroneous or inaccurate information on the application or WIC Retail Vendor Contract.
- 8) Exchanging credit for WIC Food Instrument(s).
- 9) Exchanging alcohol for WIC Food Instrument(s).
- 10) Receiving WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 11) Transacting WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 12) Redeeming WIC Food Instrument(s) which have been received from any source other than a Participant, a Proxy or a Representative of the Department.
- 13) Charging WIC Participants, Proxies or Department Representatives more than the Posted Shelf Price for WIC food items.
- 14) Charging the WIC Program for WIC Foods provided in excess of those listed on the WIC Food Instrument(s).
- 15) Failure to maintain the minimum required quantity, size and type foods in at least three (3) WIC Foods excluding infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- 16) Failure to maintain the minimum required quantity, size and type of infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)

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- 17) Acceptance of WIC Food Instrument(s) that is signed by a Participant, a Proxy, or a Department Representative before the total actual cost is filled in by the Vendor.
 - 18) Submission of false, erroneous or inaccurate information in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site.
 - 19) Refusing to allow the Department access to inspect the Vendor Site during normal business hours.
 - 20) Submission of a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue.
 - 21) Failure to fulfill the terms of the WIC Vendor Contract.
 - 22) The sale, lease, assignment, transfer or discontinuation of the Business Entity or moving the Business Entity to a new location or new address without notice to, and approval of, the Department.
 - 23) Use of WIC Authorization by any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former Vendor who has improperly acquired WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, and unincorporated association.
 - 24) Failure to charge the Department a maximum of ninety-five percent (95%) or less of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less, for any four (4) months of a contract period of Authorization.
 - 25) Failure to pay the Department the amount of any reimbursement pursuant to Section 672.200(b).
- b) Class B Violations:
- 1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.
 - 2) Failure to maintain the minimum required quantity, size and type foods, as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract, but only if this failure is for two (2) or fewer WIC Foods excluding infant formula. (See the definition of "Minimum Supply of WIC Foods" in Section 672.100.)
 - 3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.
 - 4) Altering or submitting for payment altered Food Instruments.
 - 5) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.
 - 6) Having any expired WIC Food(s) on the shelf. (See Section 672.100 "Expired Food")
 - 7) ~~Acceptance of a Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.~~

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- 78) Refusing to allow Participants, Proxies or Department Representatives to take all food items listed on the Food Instrument.
- 89) Not posting the shelf price for WIC Foods. If no price is posted, then for purposes of this Section, the Posted Shelf Price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.
- 90) The possession, the display on the shelf in the Vendor site, the attempted sale or actual sale of food products which originated from the WIC Food Centers or the Commodity Supplemental Food Program (CSFP).
- c) Class C Violations:
- 1) Exchanging cash or credit for Food Instruments without a valid WIC Retail Vendor Contract.
 - 2) Exchanging alcoholic beverages, food or non-food items for WIC Food Instruments without a valid WIC Retail Vendor Contract.
 - 3) Exchanging WIC Food Instruments for cash, credit or favors without a valid WIC Retail Contract.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.510 WIC Vendor Sanctions

- a) Any Class A Violation shall subject a Vendor to the following sanctions:
- 1) Termination from the WIC Program for a period of one year; and
 - 2) A fine assessment of \$1,500.00; and
 - 3) Reimbursement to the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.
- b) Any Class B Violation shall subject a Vendor to the following sanctions:
- 1) A fine assessment of \$750.00; and
 - 2) Certification that situation giving rise to the violation has been corrected.
- c) Any Class C Violation shall subject the violator to the following sanctions:
- 1) A fine assessment of \$1,500.00; and
 - 2) Reimbursement to the Department for the "Actual Dollar(s) Amount of Sale" indicated on Food Instruments submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former Vendor, individual, Business Entity, or commercial enterprise; and
 - 3) Any individual who held any ownership interest in the violator shall be prohibited from applying to become an authorized WIC

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- d) Retail Vendor for a period of three (3) years.
- The total fine assessed in any one (1) notice of fine assessment shall not exceed \$6,000.00, regardless of the number and class of violations alleged against a Vendor.
- Any Class A Violation shall require the Vendor to reimburse the person or entity engaged in the activity of a WIC Vendor to reimburse the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.
- e) Any Class A Violation shall constitute grounds for termination of Authorization pursuant to Sections 672.515 and 672.520. The length of such termination shall constitute a minimum termination from the WIC Program for a period of two (2) years. Each such Class A Violation shall also subject a Vendor to a fine assessment of five thousand dollars (\$5,000) and attendance at a compliance training workshop except for the violations cited in Section 672.505(f)(1).
- f) Any Class B Violation shall constitute grounds for the following sanctions:
- 1) The WIC Retail Vendor shall be fined \$750.00 for each Class B Violation. This fine shall be paid and received by the Department within thirty (30) calendar days from the date of the final order.
 - 2) If the Vendor fails to pay the fine within thirty (30) calendar days from the date of the final order, the Department shall suspend the Vendor and an additional fine of two thousand dollars (\$2,000) shall be required to reinstate Vendor Authorization. See Sections 672.515, 672.520, and 672.615.
 - 3) Any Class C Violation shall constitute grounds for the issuance of a written order which prohibits the person from engaging in the business of a Vendor and the assessment of a fine as detailed in subsection (f) below.
- ed) All fine assessments shall be paid within thirty (30) calendar days from date of final order by cashier certified check or money order in United States currency. If the fine assessment is not received by the Department within thirty (30) calendar days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.
- e) Any and all compliance training workshops required by the Department for the Vendor or former Vendor shall be attended within one hundred eighty (180) calendar days from the date of final order.
- f) If any former Vendor or individual business entity or commercial enterprise has met the criteria set forth in Section 672.515(d), this shall constitute grounds for the Department to impose a fine of five thousand dollars (\$5,000) for each month that the former Vendor or individual business entity or commercial enterprise accepts or deposits Food Instruments for reimbursement from the Department or bank. The total fine shall not exceed fifteen thousand dollars (\$15,000). The former Vendor or individual business entity or

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~~commercial enterprise will reimburse the Department for the "Actual--\$ Amount--of--Sale--indicated--on--Food--instruments--and--submitted--to--the Department's--contract--bank--or--the--total--amount--which--was--credited--or paid--by--the--Department's--contract--bank--to--the--former--vendor--or individual--business--entity--or--commercial--enterprise--as--cited--in Section--672.515(d);~~

Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.515 Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment

a) A determination by the Director ~~or--designee~~ to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:

1) the Vendor has not met one (1) or more requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;

2) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;

3) ~~the Vendor has refused to allow the Department access to--inspect the Vendor Site during normal business hours;~~

34) the Vendor has been found by the Department to have violated provisions of Section 672.505(a);

45) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue; ~~or~~

56) the Vendor has not fulfilled the terms of the WIC Vendor Contract; ~~or~~

6) any person with an ownership interest of thirty percent (30%) or more in any entity authorized as a WIC Retail Vendor who has been convicted of criminal activity in connection with the USDA WIC Program.

b) A determination by the Director ~~or--designee~~ to impose a fine shall be based upon a finding that a Vendor has been found by the Department to have violated provisions of Section 672.505(b).

c) A determination by the Director ~~or--designee~~ to terminate Authorization shall be based upon a finding--that--one--or--more--of--the--following criteria--are--met:

1) the--Vendor--has--soldr---teasedr---assignedr---transferred--or discontinued the Business Entity--or--moved the Business Entity--to a new location--or--new address;--or

2) the--Vendor--corporationr--partnership--or--limited-partnership--has been--voluntarily--or--involuntarily--dissolved--or--that--the--Vendor

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~~sole-proprietor--has--died;~~

cd) A determination by the Director ~~or--designee~~ to prohibit Vendor activity and impose a fine shall be based upon the finding that a former Vendor, individual, Business ~~business~~ Entity ~~entity~~ or commercial enterprise violated provisions of Section 672.505(c) or engaged in the activities of a WIC Vendor. (See Section 672.510(c)(f))

de) A determination by the Director ~~or--designee~~ to prohibit Vendor activity shall be based upon a finding that the Vendor failed to provide any information as specified in USDA WIC regulations, the Act, or the provisions of this ~~part~~ Part which shall be deemed a material breach of contract.

e) If the Vendor fails to pay any fine assessed under this Part within thirty (30) calendar days from the date of the final order, the Department shall suspend the Vendor and an additional fine of one thousand five hundred (\$1,500.00) shall be required to reinstate Vendor Authorization.

f) When the Director determines that the termination or suspension of a WIC Vendor's Authorization, prohibition of activity, and/or imposition of fine assessment is to occur, the Department shall notify the Vendor, individual, Business Entity or commercial enterprise that engages in WIC Vendor activities. The notice shall be in writing and shall include:

1) A statement of the nature of the basis for the adverse actions. The statement shall include a citation to the provisions of the USDA WIC Regulations, the Act, or this Part on which the sanction is based.

2) A description of the right of the Vendor, individual, Business Entity or commercial enterprise to appeal the adverse action and the right to a hearing.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.520 Breach of Contract Suspension of Authorization, Termination of Authorization, Prohibition, and/or Fine Assessment

a) Upon determination by the Director that a substantial breach of contract has been committed by a Vendor, the Department shall repudiate its contract with the Vendor and terminate the Vendor Authorization.

b) In determining whether or not a Vendor has committed a substantial breach of contract the Director shall consider whether participants would be unduly inconvenienced and may consider other relevant criteria.

c) Any repudiation to the contract by the Department and resultant termination of the Retail Vendor Contract will take effect only after the Vendor receives 15-day advance written notification of the adverse action, the cause(s) for and effective date of such action.

a) ~~the--termination--of--Authorization--as--a--WIC-Retail--Vendor--prohibition~~

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of activity, and/or imposition of the fine assessment shall occur when the Director or designee finds that the Vendor individually business entity or commercial enterprise that engages in WIC Vendor activities meets any of the criteria set forth in Section 672.515.

b) When the Director or designee determines that the termination of a WIC Vendor's Authorization, prohibition of activity, and/or imposition of fine assessment is to occur, the Department shall notify the Vendor individually business entity or commercial enterprise that engages in WIC Vendor activities. The notice shall be in writing and shall include:

1) A statement of the nature of the basis for the adverse action; the statement shall include a citation to the provisions of the USDA WIC Regulations; the Act; or this Part, on which the termination is based;

2) A description of the right of the Vendor individually business entity or commercial enterprise to appeal the adverse action and the right to a hearing;

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 672.525 Notice of Violation (Repealed)

Each notice of violation shall be in writing and shall contain the following information:

a) a description of the nature of the violation;

b) a citation of the specific provision of the USDA WIC Regulations, the Act or this Part which the Department believes has been violated;

c) a statement of the level of violation as determined pursuant to Section 672.505;

d) a statement that the Department may take additional action under the Act or this Part, including termination of WIC Vendor Authorization and the WIC Vendor Contract and an assessment of penalties;

e) a description of the Vendor's right to appeal the notice within fifteen (15) calendar days of receipt of the notice and the right to request a hearing; and

f) the effective date for any proposed adverse action against a Vendor under Sections 672.225, 672.510 or 672.510.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section 672.600 Hearings Applicability (Repealed)

Any sanctions imposed pursuant to Section 672.225 or 672.510 of this Part shall afford the adversely affected party thereto the opportunity to appeal such

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action by requesting a hearing within fifteen (15) calendar days after receipt of notice. Any notices issued and hearings held shall be in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), with the addition of the following provisions:

a) An administrative hearing must be requested within fifteen (15) calendar days after receipt of notice. Failure to request a hearing within this time frame shall constitute a waiver of the person's right to an administrative hearing.

b) Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1007)(735 ILCS 5/2-1007). Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.

1) Only one continuance each shall be allowed for the Vendor, Applicant and the Department. No continuance may be for more than fourteen (14) calendar days.

2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."

c) The burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.510.

d) The burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of authorization under Section 672.225.

e) Construction of Rules: This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between this Part and the WIC Vendor Management Act, the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules, the terms of this Part shall control.

f) Waiver: Compliance with any of the provisions of Subpart F of this Part or with any or all provisions of the IAPA regarding contested cases may be waived by written stipulation of all parties.

(Source: Section repealed at 18 Ill. Reg. 2450, effective February 1, 1994, new Section added at 18 Ill. Reg. _____, effective _____)

Section 672.605 Parties to Hearings (Repealed)

The Department and the Applicants, Vendors, former Vendors, or any person or entity engaged in the activity of a WIC Vendor shall be the only parties to administrative hearing before the Department.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

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_____, effective _____,

(Source: Amended at 18 Ill. Reg. _____,

Section 672.610 Appearance and Representation of a Party

The provisions of Section 100.4 of the Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) shall not apply to proceedings under this Part, but shall be replaced by the following provisions:

a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

- 1) the name, address and telephone number of the attorney;
- 2) the name and address of the party represented; and
- 3) an affirmative statement indicating that the attorney is licensed to practice law in Illinois.

b) An attorney, licensed to practice law, may withdraw from employment as a representative only upon written notice to the Department stating the reasons for withdrawal and consistent with the Code of Civil Procedure. (Ill. Rev. Stat. 1991, ch. 110, par. 1-101.) [735 ICS 5/1-101] Such withdrawal shall require an appropriate ruling by the Administrative Law Judge.

c) A sole proprietor who is authorized as a WIC Retail Vendor or former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard on his own behalf.

d) A corporation or association which is authorized as a WIC Retail Vendor or was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor shall appear and be heard only by an attorney licensed to practice in the State of Illinois.

e) A partnership or limited partnership authorized as a WIC Retail Vendor or that was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard by any partner, upon presentation to the Department of written authorization from all partners authorizing him to act in a representative capacity.

f) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.

g) Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceeding. All further service may be made by regular mail unless otherwise required by statute or rule. Service shall be presumed unless disputed in the record.

h) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective December, 1989, and as amended. Any failure to behave in a manner which permits the efficient functioning of the hearing will authorize the Administrative Law Judge to take the following actions:

- 1) limitation of evidence;
- 2) substitution of written argument in place of oral argument; or
- 3) exclusion of an attorney from the proceeding.

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_____, effective _____,

(Source: Amended at 18 Ill. Reg. _____,

Section 672.615 Commencement of an Action (Repealed)

Administrative actions under this Part shall be commenced by the Director or designee signing and issuing a notice of violation termination or penalty assessment or as a result of a request for a hearing by an Applicant resulting from denial of authorization. The effective date of any notice of violation termination or penalty assessment or any denial of authorization shall be not less than 15 days from the date of receipt of such notification.

a) For notice in all actions under this Part, the Department shall serve on all parties to a Contested Case a notice of an opportunity for an administrative hearing. The notice shall be signed by the Director.

b) The notice of an opportunity for an administrative hearing shall contain:

- A) a statement of the nature of the hearing;
- B) a statement of the date and place at which a request for a hearing from the person given the opportunity for a hearing is to be received by the Department; and the date set for receipt of the request for a hearing shall be at least fifteen (15) calendar days from the date the notice is mailed or personally served;
- C) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- D) a reference to the applicable sections of the USBA; WIC Regulations, the Act or this Part; and
- E) unless accompanied by a notice of violation, a short statement of the matters asserted.

2) An administrative hearing must be requested within fifteen (15) calendar days of receipt.

3) An Applicant or a WIC Retail Vendor who receives a notice of an opportunity for an administrative hearing must submit a written request for the hearing to the Department. The request to be sent to the Department at the address stated in the notice and must be postmarked by the date set forth in the notice. Failure to comply with this rule shall constitute a waiver of the person's right to an administrative hearing.

b) Upon receipt of the request for a hearing within the stated time frame, the Department shall issue a notice of an administrative hearing. The notice of an administrative hearing shall contain:

1) a statement of the nature of the hearing;

2) a statement of the time and place of the hearing or the pre-hearing or conference scheduled by the Department; the time and place of the conference;

- 3) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- 4) a reference to the applicable sections of USBA; WIC Regulations, the Act or this Part;

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(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.620 Motions (Repealed)

- [illegible]

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(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.625 Discovery (Repealed)

- Prior to or at the pre-hearing conference, the Department shall provide an Applicant or Vendor with a copy of all of the Department's investigative reports, including any Rod Instruments specific to the matter in dispute and to the Applicant or Vendor against whom the administrative action is pending. If no pre-hearing conference is requested by the Department, it shall provide copies of the investigative reports and Rod Instruments prior to hearing.
- Upon written request served on the appointing party, any party shall be entitled to:--
- 1) the name and address of any witness who may be called to testify;
 - 2) copies of any document which may be offered as evidence; and
 - 3) a description of any other evidence which may be offered.
- Whether or not a request is made regarding discovery, an Applicant or Vendor shall be entitled to any exculpatory evidence in the Department's possession which tends to support the Applicant or Vendor's position or which might impact the credibility of a Department witness.
- Upon a written request served on the Applicant or Vendor at any time after a notice of petition for hearing is filed, or at any stage of the hearing, the Applicant or Vendor will be entitled to produce documents, books, records or other evidence which relate directly to conduct of the Business Entity.
- No other discovery shall be requested, allowed or explained unless consented to by all parties to the administrative hearing before the Department.
- At discovery, shall be completed prior to the start of the hearing unless consented to by all parties to the administrative hearing before the Department.
- (Source: Repealed at 18 Ill. Reg. _____, effective _____)
- 672.630 Form of Papers (Repealed)
- At papers shall be filed in any proceeding except oral hearings. All typewritten or printed evidence, if typewritten, the impression shall be on one side of the paper and a long quotation shall be single spaced and indented. Mimeographed, mimeographed, photographed, photostated papers, facsimile and the like shall be accepted as typewritten. All papers except exhibits shall be on a folded sheet of paper not to exceed a width of eight and one half inches (8 1/2") and a length of eleven (11) inches and shall have the margins not less than one (1) inch wide. Whenever practical, all exhibits of a documentary character shall conform to said requirements.

Section 672.630 Form of Papers (Repealed)

- [illegible]

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- e) All pleadings, written motions, or notices filed in the administrative proceeding shall be dated and signed in ink by the party filing the paper or his attorney;
- d) Pleadings, written motions, and notices shall contain the address of the party filing the paper or, if represented by an attorney, the name and business address of such attorney;

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.635 Service (Repealed)

- a) Notices under Section 672.615 shall be served either personally or by certified mail upon all parties or their agents appointed to receive service of process;
- b) Service of pleadings or motions under Section 672.615 or Section 672.620 of this party unless otherwise provided for in this Section shall be made by delivering in person, transmitting by facsimile or by depositing it in the United States Mail, properly addressed, with postage prepaid, one copy to each party to the proceeding. When any party has appeared by attorney, service upon the attorney shall be deemed service upon such party;
- c) Proof of service under subsection (b) shall be by certificate of attorney, affidavit or acknowledgment;

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.640 Pre-Hearing Conferences (Repealed)

- a) A pre-hearing conference shall be scheduled by the Administrative Law Judge or the Department as a result of a request pursuant to subsection (b). See Section 672.615(b). This conference shall be held prior to the date of hearing and shall be for the purpose of considering:--
- 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which shall avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing.
- b) After a pre-hearing conference, the Administrative Law Judge shall make a report which recites any action taken by the Administrative Law Judge and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference;
- c) A certified stenographic report shall not be present at a pre-hearing conference unless one of the parties to the proceeding

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requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two (2) working days in advance of the scheduled pre-hearing conference. The party requesting the presence of the court reporter shall be billed directly for the services of the reporter.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.645 Conduct of Hearings (Repealed)

- a) All hearings conducted in any proceedings shall be open to the public.
- b) Hearings shall be conducted by the Director or by a Administrative Law Judge appointed by the Director. If the Director conducts the hearings, any reference to this part to the Administrative Law Judge shall be read to refer to the Director.
- c) The Administrative Law Judge shall conduct hearings, administer oaths, issue subpoenas, regulate the course of hearings, hold informal conferences for the settlement, simplification or definition of issues, dispose of procedural requests, motions and similar matters, continue the hearing from time to time when necessary, examine witnesses, rule upon the admissibility of evidence and amendments to pleadings, issue recommended findings to the Director.
- d) The Administrative Law Judge shall direct all parties to enter their appearances on the record.
- e) The Administrative Law Judge shall be appointed by the Director and shall be an attorney licensed to practice law in the State of Illinois.
- f) Written opening arguments, written closing arguments, legal memorandums, briefs or similar documents shall not be permitted unless all parties so stipulate. This rule shall not prohibit the Administrative Law Judge from requesting that certain issues be briefed by the parties.
- g) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any Contested Case by stipulation, agreed settlement, consent, order or default.
- h) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department or its Administrative Law Judge may call upon any party, technical staff of the Department or other departments of state government or state interests for further materials or relevant evidence upon any issue.
- i) The rules of evidence and privileges applicable to civil cases in the circuit court of this State shall be followed. However, evidence not admissible under such rules or evidence may be admitted except where precluded by statute if it is of a type commonly used and non-objectionable to the person in the conduct of the proceeding and immaterial to the relevant or unduly repetitious matter that is

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excluded. All admissible evidence shall be considered in accordance with the relative probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions of law which support the decision. A copy of the whole or any part of an admissible book, record, paper or memorandum of the Department which was made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant to the party offering the same, the party shall plainly designate the matter so offered. In any hearing conducted pursuant to this Part, the Administrative Law Judge shall admit a photograph of any money or other property alleged to have been exchanged for a wig, hood or instrument as competent evidence of the money or other property. It is not a prerequisite to application of this Section that the money or property is unavailing. Objections to evidentiary offers may be made and shall be noted in the record.

1† Offered notice may be taken of matters of which the courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary memoranda or otherwise of the material to be offered in any staff report or data and they shall be afforded an opportunity to contest the material so noticed. The Department's expertise, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

2† The Department will arrange for a certified stenographic reporter to make a stenographic record of the hearing in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar fifty per page. Suggested corrections to the transcript of a record may be offered within five (5) calendar days after the transcript is filed in the proceeding. The Director or the Administrative Law Judge permits suggested corrections to be offered and accepted. Suggested corrections shall be noted upon a brought order of correction of such party whose appearance is of record, or his attorney, the official reporter or the Administrative Law Judge. If suggested corrections are not accepted or the Administrative Law Judge shall direct the corrections to be made and the manner of making them. In case the party whose appearance is of record or his attorney or the Administrative Law Judge shall be notified by the Department of the corrections to be made and the manner of making them. In case the Administrative Law Judge shall deem desirable the manner in which the corrections shall be made.

3† No exception need be taken or any thing or action of the Department or of the Administrative Law Judge.

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1† Venue shall be the location designated in the notice of administrative hearing or notice of an opportunity for an administrative hearing. Venue may be moved to another location only upon stipulation by all parties or ordered by the Administrative Law Judge.

2† If a party or any person at the instance of or in collusion with a party violates any of this Part or ruling of the Administrative Law Judge, the Administrative Law Judge on motion may enter such orders as are just including among others the following:--

3† that further proceedings be stayed until the order of rule is complied with;

4† that the party in violation be barred from filing any other pleading relating to any issue to which the refusal or failure relates;

5† that he be barred from maintaining any particular claim or defense relating to that issue;

6† that a witness be barred from testifying concerning that issue;

7† that as to claims or defenses asserted in any pleading to which that issue is material a judgment by default be entered against the offending party or that his notice or petition suit be dismissed with or without prejudice or

8† that any portion of his pleadings relating to that issue be stricken and judgment be entered as to that issue.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.650 Subpoenas (Repealed)

1† Subpoenas requiring the attendance and the giving of testimony by witnesses and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Administrative Law Judge upon his own motion or upon the written request of any party to the proceeding. The Director or the Administrative Law Judge may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing.

2† Subpoenas issued by the Director or the Administrative Law Judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally transmitted by facsimile or by Certified Mail.

3† The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or Administrative Law Judge upon his own motion upon the request of the Department, the witness fee shall be the same as the fee of the witnesses before the Circuit Courts of the State and the travel expenses shall be paid in accordance with the State travel rules (60 Ill. Admin. Code 3004).

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(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.655 Burden of Proof (Repealed)

- a) the burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.650;
- b) the burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of Authorization under Section 672.235;
- c) Each party who initiates an administrative action as indicated in Section 672.615(a) and (b) shall prove his case by a preponderance of the evidence;

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.660 Administrative Law Judge's Report and Final Decision (Repealed)

- a) At the conclusion of a hearing at which the Director has not presided, the Administrative Law Judge shall make a report of the hearing, with findings of fact and conclusions of law and recommendations, if any, to the Director. This report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record;
- b) The Director or designee shall review the entire record of administrative proceedings as set forth in Section 672.670 and shall issue a final order within ninety (90) calendar days of the receipt of the request for a hearing;
- c) The Director shall adopt a final decision in each case supported by concise findings of fact and appropriate conclusions of law. The decision and supporting findings of fact and conclusions of law shall be made a part of the official record of each hearing. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding;
- d) A copy of any decision or order of the Director shall be served personally or by Certified Mail or by registered mail upon all parties of record or their agents appointed to receive service.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.665 Records of Proceedings (Repealed)

- a) A full and complete record shall be kept of all proceedings. The

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record shall consist of the following:--

- 1) all pleadings (including all notices and responses thereto) motions and rulings;
- 2) a transcript of the hearing, if any, and all evidence received;
- 3) a statement of matters officially noticed;
- 4) offers of proof, objections and ruling thereon;
- 5) proposed findings and exceptions;
- 6) any decision, opinion or report by the Administrative Law Judge;
- 7) all staff memoranda or data submitted to the Administrative Law Judge or members of the Department in connection with their consideration of the case; and
- 8) any communication prohibited by Section 15 of the IPA; however, such communications shall not form the basis for any finding of fact.
- b) Unless a party requests that the following documents be included in the record, the following shall be excluded from the record:
 - 1) subpoenas;
 - 2) requests for subpoenas;
 - 3) cover letters;
 - 4) notices of filing or proofs of service; and
 - 5) certificates of mailing for regular mail.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 672.670 Miscellaneous (Repealed)

- a) Construction of Rules.--This Part shall not be construed to abrogate or modify or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois in any case of any conflict between this Part and the IPA or the Administrative Management Act; the terms of the latter shall control in case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules; the terms of this Part shall control.
- b) Waiver.--Compliance with any of the provisions of Subpart P of this Part or with any of the provisions of the IPA regarding Contested Cases may be waived by written stipulation of all parties.
- c) Jurisdiction.--For the purpose of this Part, a pre-hearing conference shall be considered the first stage of a hearing.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers:
 Proposed Action:
 100.2590 New Section
 100.3120 Amendment
 100.7010 Amendment
- 4) Statutory Authority: 35 ILCS 5/101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Federal law affects the ability of the State of Illinois to subject certain employees of railroads, motor carriers and air carriers to Illinois income taxation. By virtue of federal law, compensation that would otherwise be subject to Illinois income taxation and withholding by virtue of IITA Sections 302(a) and 304(a)(2)(B) is subtracted from adjusted gross income in determining Illinois base income pursuant to IITA Section 203(a)(2)(N). In addition, 49 U.S.C.A. 11108 provides that the State of Illinois may not require the withholding of Illinois income taxes from wages of certain employees of water carriers. However, this provision of federal law does not affect the liability of such employees for Illinois income taxes, nor does it affect the obligation of such employees to make payments of estimated income taxes as required by IITA Section 803. This rulemaking amends the Department's income tax rules to add a new Section to the rules that sets forth these policies in detail. The rulemaking also proposes amendment of existing rules concerning allocation of compensation paid to nonresidents and income tax withholding rules to state these policies. This rulemaking is not triggered by a change in existing law or policy, but rather is another in a series of rulemakings designed to fully state relevant tax policies and requirements in rule form.

- 6) Will these proposed amendments replace any emergency amendment currently in effect? No.
- 7) Do these rulemakings contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendment pending on this part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
100.2470	Amendment	18 Ill. Reg. 9377

10) Statement of Statewide Policy Objectives:

This rulemaking does not impose a State Mandate, nor does it modify any existing state mandate.

11) Time, Place and Manner in which interested persons may comment on these

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Proposed rulemakings:

Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith W. Staats
 Senior Counsel - Income Tax
 Illinois Department of Revenue
 Legal Services Bureau
 101 West Jefferson
 Springfield, Illinois 62708
 Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business that is a railroad, motor carrier, air carrier or water carrier with employees subject to the applicable provisions of federal law.

B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are imposed. This rulemaking is a clarification, in rule form, of existing requirements of federal and State law.

C) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE
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100.2000
100.2050

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Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100

Investment Credit

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
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Section
100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

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Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
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Illinois Net Loss Deductions for Losses Occurring On or After

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100.2310 Computation of the Illinois Net Loss Deduction
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100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2470

Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

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Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

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State (IITA Section 302)
Allocation of Compensation Paid to Non-Residents Nonresidents (IITA Section 302)

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 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
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APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill.

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Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 18 Ill. Reg. _____, effective _____.

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

a) Federal law affects the authority of the State of Illinois to subject certain employees of railroads, motor carriers and air carriers to Illinois income taxation. By virtue of the provisions of federal law quoted in subsections (a)(1) through (3) below, compensation that would otherwise be subject to Illinois income taxation and withholding by virtue of IITA Sections 302(a) and 304(a)(2)(B) is subtracted from adjusted gross income in determining Illinois base income pursuant to IITA Section 203(a)(2)(N) and is not subject to Illinois income tax withholding. This subtraction is taken on form IL-1040 on the line entitled "Other subtractions." The statutory basis of the subtraction under Illinois law is IITA Section 203(a)(2)(N) which provides a subtraction from adjusted gross income for an amount equal to all amounts included in such total which are exempt from taxation by this State...by reason of the... statutes of the United States.

1) 49 U.S.C.A. 11504(a) states that no part of the compensation paid by a rail carrier subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title to an employee who performs regularly assigned duties as such an employee on a railroad in more than one State shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.

2) 49 U.S.C.A. 11504(b)(1) states that no part of the compensation paid by a motor carrier providing transportation subject to the

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jurisdiction of the Commission under subchapter II of chapter 105 of this title or by a motor private carrier to an employee who performs regularly assigned duties in 2 or more States as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.

3) 49 U.S.C.A. 1513(a) states that no part of the compensation paid by an air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than the State or subdivision thereof of such employee's residence and the State or subdivision thereof in which such employee earns more than 50 per centum of the compensation paid by the carrier to such employee.

b) 49 U.S.C.A. 11108 provides that the State of Illinois may not require the withholding of Illinois income taxes from certain employees of water carriers. 49 U.S.C.A. 11108 states that wages due or accruing to a master or seaman on a vessel in the foreign, coastwise, intercoastal, interstate, or noncontiguous trade or an individual employed on a fishing vessel or any fish processing vessel may not be withheld under the tax laws of a State or a political subdivision of a State. However, this Section does not prohibit withholding wages of a seaman on a vessel in the coastwise trade between ports in the same State if the withholding is under a voluntary agreement between the seaman and employer of the seaman. However, this provision of federal law does not affect the liability of these employees for Illinois income taxes, nor does it affect the obligation of such employees to make payments of estimated income taxes as required by IITA Section 803. The provision of federal law merely affects the authority of the State of Illinois to require withholding by employers of such employees.

(Source: Added at 18 Ill. Reg. _____, effective _____)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

a) In general

1) In order for items of compensation paid to an individual who is a nonresident of Illinois at the time of payment to be allocated to Illinois, such compensation must constitute "compensation paid in this State". If the test is met, then all items of such compensation, and all items of deduction

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directly allocable thereto, are allocated to Illinois under IITA Section 302(a) (except items allocated under IITA Section 301(b)(2), as to which see subsection (c) below). Compensation paid to a nonresident, which is allocated to Illinois, enters into the computation of such individual's net income under IITA Section 202 and is generally subject to withholding under IITA Section 701 (see Sections ~~100-7000~~ **100-7000**, ~~100-7010~~ **100-7010** and ~~100-7020~~). The tests for determining whether compensation is paid in Illinois appear in IITA Section 304(a)(2)(B) and are substantially the same as those used to define "employment" in the Illinois Unemployment Compensation Act (~~title-Rev---Stat--1991--ch--48--par---300--et---seq--7~~ [820 ILCS 405/100 et seq.] (and similar unemployment compensation acts of other states). Compensation is paid in Illinois if:

- A) The individual's service is localized in Illinois because it is performed entirely within Illinois;
- B) The individual's service is localized in Illinois although it is performed both within and without Illinois, because the service performed without Illinois is incidental to the individual's service performed within Illinois; or
- C) The individual's service is not localized in any state but some of the service is performed within Illinois and either
 - i) the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within Illinois, or
 - ii) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in Illinois.

- 2) The foregoing rules are to be applied in such manner that if they were in effect in other states an item of compensation would constitute compensation "paid in" only one state. Thus, if an item would, under these rules, constitute compensation paid in a state other than Illinois because the individual's service was localized in such other state under subsection (a)(1)(B) above, it could not also be compensation paid in Illinois. Pursuant to 50 U.S.C. 574, compensation for military or naval service paid to a nonresident does not constitute "compensation paid in" Illinois even though it meets the tests set forth in subsection (a)(1) above. For further discussion of these tests, see Section 100.7010(a), (d), (e) and (f), dealing with withholding.

- 3) Personal services under personal service contracts for sports performance
 - A) For purposes of subsection (a)(1)(A) above, *beginning with taxable years ending on or after December 31, 1992*, for all persons who are members of professional sports teams

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that are residents of states that impose a comparable tax liability on all persons who are members of professional sports teams that are residents of this State . . . in the case of persons who perform personal services under personal service contracts for sports performance, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. (IITA Section 304(a)(2)(B)) The amount of income constituting compensation paid in this State to such person shall be determined by multiplying the person's total compensation for performing such personal services by a fraction, the denominator of which contains the total number of duty days and the numerator of which is the number of duty days in Illinois during the taxable year.

- B) The income of persons who engage in sports performance in Illinois, but do not perform personal services under personal services contracts of employment, remains apportionable to Illinois. Such income is business income, as defined by IITA Section 1501(a)(1) ~~of the Act~~ and Section 100.3010(a) above. Also see IITA Section 304(a) and Section 100.3310 below ~~of this Part~~.

- b) Compensation paid for past service
 - 1) Where compensation is paid to a nonresident for past service, such compensation will, for the purpose of determining whether and to what extent such compensation is "paid in" Illinois and is allocated to Illinois under IITA Section 302(a), be presumed to have been earned ratably over the employee's last 5 years of service with the employer (or any predecessor or successor of the employer or a parent or subsidiary corporation of the employer), in the absence of clear and convincing evidence that such compensation is properly attributable to a different period of employment or that it was not earned ratably over the appropriate period of employment. Compensation earned in each past year will be deemed compensation paid in Illinois if the individual's service in such year met the tests set forth in subsection (a) above. Compensation paid for past service includes amounts paid under deferred compensation agreements where the amount of compensation is unrelated to the amount of service being currently rendered. Amounts paid to nonresidents under deferred compensation agreements may be allocated to Illinois under IITA Section 302(a) in accordance with this paragraph notwithstanding the fact that amounts paid to nonresidents under such agreements will be deemed not to be compensation paid in Illinois for purposes of IITA Section 701 and will not be subject to withholding (see Section 100.7010(g)).
 - 2) The standards detailed in the previous subsection may be illustrated by the following examples:

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A) A is a union member employed by B corporation as a factory worker. During the years 1965-1968, A was employed in B's factory in Illinois; in 1969, A worked in B's factory in State X. In 1970, as a result of union labor contract negotiations, A received a lump-sum payment of \$500 in lieu of a retroactive wage increase. A is at all times a resident of State X. Unless A establishes, by clear and convincing evidence, facts to support a different result, \$100 is deemed to have been earned in each of the 5 years 1965-1969. Further, \$400 is deemed to have been earned by service localized in Illinois and \$100 by service localized in State X (see subsection (a) above). Therefore, \$400 is allocable to Illinois under IITA Section 302(a).

B) The facts are the same as in the previous example except that A is able to establish that the \$500 constituted a wage increase retroactive to July 1, 1969. In such case, no part of the \$500 is allocable to Illinois, since it was earned by service in 1969 localized in State X.

C) C is a corporate executive. On January 1, 1965, C entered into an agreement with D corporation under which he was to be employed by D in an executive capacity for a period of 5 years. Under the contract C is entitled to a stated annual salary and to additional compensation of \$10,000 for each year, the additional compensation to be credited to a bookkeeping reserve account and deferred, accumulated and paid in annual installments of \$5,000 on C's retirement beginning January 1, 1970. In the event of C's death prior to exhaustion of the account, the balance is to be paid to C's personal representative. C is required to render consultative services to D when called upon after December 31, 1969. During 1970, C is paid \$5,000 while a resident of Florida. The \$5,000 is deemed to have been earned at the rate of \$1,000 in each of the years 1965-1969, since the amount paid is unrelated to C's current consultative services. Whether the \$1,000 earned in each such year is allocable to Illinois under IITA Section 302(a) must be determined by applying the tests set forth in subsection (a) above to each such year.

c) Exceptions to general allocation rules

1) While "compensation" may include items of income taken into account by a nonresident employee under the provisions of 26 U.S.C. 401 through 425 424, such as, for example, amounts received by a beneficiary of an employees' trust (taxable to the employee under 26 U.S.C. 402, whether the trust is exempt or non-exempt from federal income tax), or income resulting from a disqualifying disposition of stock acquired pursuant to the exercise of a qualified stock option (taxable to the

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employee under 26 U.S.C. 421(b) above), such compensation is not allocated under IITA Section 302(a). Such compensation is allocated under the rules of IITA Section 301(b)(2)(A), i.e., is not allocated to Illinois, whereas compensation which is allocated pursuant to IITA Section 302(a) is allocated to Illinois, if "paid in" this State (see subsections (a) and (b) above). Consequently, a nonresident claiming that compensation which would otherwise constitute compensation paid in Illinois should not be allocated to Illinois under IITA Section 301(b)(2)(A) must establish that such compensation was properly taken into account by such individual under the provisions of 26 U.S.C. 401 through 425 424.

2) Reciprocal exemptions

In any case wherein in which the Director has entered into an agreement with the taxing authorities of another state which imposes a tax on or measured by income to provide that compensation paid in such state to residents of Illinois shall be exempt from such tax, compensation paid in Illinois to residents of such state will not be allocated to Illinois.

3) Federal law. Federal law affects the authority of the State of Illinois to subject certain employees of railroads, motor carriers and air carriers to Illinois income taxation, even though in the absence of specific federal provisions those employees would be subject to Illinois taxation by virtue of IITA Section 302(a).

A) Railroad employees. 49 U.S.C.A. 11504(a) provides that no part of the compensation paid by a rail carrier subject to the jurisdiction of Interstate Commerce Commission under subchapter I of chapter 105 of Title 49, to an employee who performs regularly assigned duties in more than one State shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.

B) Motor carrier employees. 49 U.S.C.A. 11504(b)(1) states that no part of the compensation paid by a motor carrier, subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of Title 49, or by a motor private carrier, to an employee who performs regularly assigned duties in 2 or more States as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.

C) Air carrier employees. 49 U.S.C.A. 1513(a) states that no part of the compensation paid by an air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be

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subject to the income tax laws or any State or subdivision thereof other than the State of subdivision thereof of such employee's residence and the State of subdivision thereof in which such employee earns more than 50% of the compensation paid by the carrier to such employee.

(43) The standards set forth in this Section may be illustrated by the following examples:

A) A is a factory worker for B corporation which is located in Illinois. A resides in State X. When A reaches retirement age, he begins receiving a pension from the exempt trust under B's qualified pension plan. For federal income tax purposes, A properly takes his payments into account under the provisions of 26 U.S.C. 402(a)(1). Accordingly, under IITA Section 301(b)(2)(A), A's payments are not allocated to Illinois.

B) The facts are the same as in the previous example except that B corporation does not fund its employees' pension benefits through the creation of a trust or the purchase of annuities, but pays retired employees each year out of corporate funds. For federal income tax purposes, A is required to take his payments into account under 26 U.S.C. 61(a), rather than under 26 U.S.C. 401 through 425 424. Accordingly, allocation of A's pension payments is governed by IITA Section 302(a) above (see subsections (a) and (b) of this Section).

C) A is a locomotive engineer employed by Interstate railway. Interstate operates a rail yard in East St. Louis, Illinois. Interstate also operates out of St. Louis, Missouri, where it has a rail yard, as well as its administrative and payroll offices. A lives in St. Louis, Missouri. A is assigned to the East St. Louis rail yard and primarily reports to the East St. Louis rail yard of Interstate and drives locomotives for Interstate on trips that go throughout the United States. However, on occasion, A is required to report to the St. Louis, Missouri yard of Interstate and drive locomotives on trips that originate from St. Louis, Missouri. Pursuant to 49 U.S.C.A. 11504(a), Interstate may only withhold, and A is only subject to, the Missouri personal income tax.

D) A is an airline pilot for World-Wide Airlines. World-Wide provides passenger and freight service to various destinations throughout the United States from Lambert Field in St. Louis, Missouri, as well as from the municipal airport in Alton, Illinois. A lives in St. Louis, Missouri, but A reports to and flies out of the World-Wide terminal in Alton, Illinois. A primarily flies to destinations outside of Illinois. Less than 50% of A's compensation (as determined by flight time in Illinois versus flight time everywhere) (see 49 U.S.C.A. 1512(b)) is earned within

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Illinois. Therefore, by virtue of 49 U.S.C.A. 1513(a), A is only subject to Missouri income taxation on his compensation from World-Wide.

E) The facts are the same as in the previous example, except that A pilots commuter planes between Alton and Chicago, Illinois. In this situation, A will be subject to Illinois income taxation by virtue of the fact that A earns more than 50% of his compensation within the State of Illinois.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.7010 Compensation Paid in this State (IITA Section 701)

a) General rules

1) Withholding is required with respect to "compensation paid in this State" - but see Section 100.7090 with regard to reciprocal withholding exemption agreements for employees residing in certain states. Illinois will recognize reciprocal withholding exemption agreements for those individuals subject to withholding by virtue of P.A. 87-880, to the extent that the state of residence of the team by which they are employed recognizes the reciprocal withholding exemption agreement with respect to individuals employed by teams with Illinois residence. The entire amount of such compensation is subject to withholding if withholding is required under Section 100.7000. The tests for determining whether compensation is paid in this State appear in IITA Section 304(a)(2)(B) and are substantially the same as those used to define "employment" in the Illinois Unemployment Compensation Act (Ill. Rev. Stat., 1993, ch. 48, par. 300-1 et seq.) [820 ILCS 405/100 et seq.] (and similar unemployment compensation acts of other states). Compensation is paid in this State if:

- A) The individual's service is localized in this State because it is performed entirely within this State;
- B) The individual's service is localized in this State although it is performed both within and without this State, because the service performed without this State is incidental to the individual's service performed within this State; or
- C) The individual's service is not localized in any state but some of the service is performed within this State and either; the base of operations, or if there is not a base of operations, the place from which the service is directed or controlled is within this State, or the base of operations of the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in

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this State.

D) For purposes of subsection (a)(1)(A), beginning with taxable years ending on or after December 31, 1992, for all persons who are members of professional sports teams that are residents of states that impose a comparable tax liability on all persons who are members of professional sports teams that are residents of this State, . . . in the case of persons who perform personal services under personal service contracts for sports performances, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. (ITA Section 304(a)(2)(B))

2) The foregoing rules are to be applied in such manner that, if they were in effect in other states, an item of compensation would constitute "compensation paid in" only one state. Thus, if an item would, under these rules, constitute compensation paid in a state other than Illinois because the individual's service was localized in such other state under the test of subsection (a)(1)(A) above, it could not also be compensation paid in Illinois.

b) Place of residence of employee

1) Except in the limited circumstance circumstances referred to in subsection (a)(1)(C) above and subsections (b)(2) and (3) below, the place of residence of any employee is irrelevant to the determination of "compensation paid in this State", and is, therefore, irrelevant to the determination of whether withholding is required with respect to such employee. However, compensation paid to residents of a state with which Illinois has entered into a reciprocal agreement (see Section 100.7090) is exempt from withholding.

2) Federal law affects the authority of the State of Illinois to subject certain employees of railroads, motor carriers and air carriers to Illinois income taxation and withholding. See Section 100.2590 which provides that certain employees of rail carriers, motor carriers and air carriers may only be subject to the income tax laws of any State or subdivision of that State of the employee's residence.

3) Federal law also affects the authority of the State to withhold income tax from employees of certain water carriers. 49 U.S.C.A. 11108 states that wages due or accruing to a master or seaman on a vessel in the foreign, coastwise, interoceanic, interstate, or noncontiguous trade or an individual employed on a fishing vessel or any fish processing vessel may not be withheld under the tax laws of a State or a political subdivision of a State. However, this Section does not prohibit withholding wages of a seaman on a vessel in the coastwise trade between ports in the same State if the withholding is under a voluntary agreement between the seaman and employer of the seaman. It should be noted that this provision affects only the authority of this State to have

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Illinois income tax withheld from wages of these employees. It does not affect the obligation of these employees to pay Illinois income taxes, or to make payments of estimated income taxes as required under IITA Section 803.

c) Localization tests

1) If compensation is paid in this State because the service is localized here under either of the tests set forth in subsection (a)(1)(A) and (B) above, no other factors need be considered. In such cases, the place of the base of operations, the place from which the service is directed or controlled, and the place of the individual's residence are all irrelevant. (But see Section 100.7090.)

2) In determining whether an individual's service performed without this State is incidental to his service performed within this State for purposes of the test set forth in subsection (a)(1)(B) above, the term "incidental" means any service which is necessary to or supportive of the primary service performed by the employee or which is temporary or transitory in nature or consists of isolated transactions. The incidental service referred to above may or may not be similar to the individual's normal occupation so long as it is performed within the same employer-employee relationship. That is, an individual who normally performs all of his service in this State may be sent by his employer to another state to perform service which is totally different in nature from his usual work or he may be sent to do similar work. So long as such service is temporary or consists merely of isolated transactions, it will be considered to be incidental to his service performed within this State, and his entire compensation will be subject to withholding.

3) In some cases, it may be difficult to determine whether service performed in another state is incidental to service performed within this State. In any such case, the facts (including any contract of employment) should be carefully considered. In many instances, the contract of employment will provide a definite territorial assignment which will be prima facie evidence that the service is localized within such territory. However, the presence or absence of a contract of employment is but one fact to be considered. In every case, the ultimate determination to be made is whether the individual's service was intended to be and was in fact principally performed within this State and whether any service which was performed in another state was of a temporary or transitory nature or arose out of special circumstances at infrequent intervals. The amount of time spent or the amount of service performed without this State should not be regarded as decisive, in itself, in determining whether such service is incidental to service performed within this State.

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For example, an individual normally performing service within this State might be sent on a special assignment to another state for a period of months. The service in the other state would nevertheless be incidental to service within this State if such special assignment were an isolated transaction.

4) This Section may be illustrated by the following examples:

- A) A is a resident of State X and is a salesman for the B corporation, located in State Y. A's base of operations is his home in State X and his service is controlled from State Y. All of A's customers are located in Illinois. A's compensation is subject to withholding even though he is a nonresident with a State X base of operations, who is directed from State Y, because all of his service is performed in Illinois.
- B) A is a resident of State X and a salesman for the B Corporation, located in State X. A's territory covers the northern part of Illinois. Sporadically, A is requested by B corporation to call on particular customers who are located in State X. The compensation for service which A performs in Illinois and State X is subject to withholding because the service performed in State X is incidental to the service performed in Illinois, since it consists of isolated transactions.
- C) The facts are the same as in the previous example except that A's regular territory covers several counties in Illinois and one or two towns in State X. A goes to the State X towns on a regular basis even though more than 95% of his time and sales are with reference to his Illinois territory. The compensation for service which A performs in Illinois and State X is not localized in Illinois within the meaning of subsection (a)(2) above because the service performed in State X is regular and permanent in nature and is not necessary to or supportive of sales made in Illinois. Whether withholding is required must therefore be determined under subsection (b) above (see subsections (d) and (e) above).
- D) A works for B construction company in Chicago. Occasionally the company obtains a construction job in State X which may last from one to several weeks. A is sent by the company to supervise the construction jobs in State X. The compensation for the service A performs in Illinois and State X is subject to withholding because the service performed in State X, being temporary in nature, is incidental to the service which he performs in Illinois.
- E) A is a resident of Illinois and a buyer for a department store located in State X. Regular buying trips by A to Illinois are incidental to the service performed in State X

because they are necessary to and supportive of A's primary duties which are localized in State X and not in Illinois. Compensation for the services which A performs in Illinois and State X is not subject to withholding, notwithstanding that A being a resident, is taxable in Illinois on such compensation under IITA Sections 201 and 301(a).

d) Base of operations

- 1) The localization tests are not applicable where an individual's employment normally or continually includes service within this State and also services without the State which are not "incidental" to the services performed within this State. In such case, if the individual's base of operations is within this State, his entire compensation will be subject to withholding, but if his base of operations is without this State, none of his compensation will be subject to withholding.
- 2) The term "base of operations" refers to the place or fixed center from which the individual works. An individual's base of operations may be his business office (which may be maintained in his home), or his contract of employment may specify a place at which the employee is to receive his directions and instructions. In the absence of more controlling factors, an individual's base of operations may be the place to which he has his business mail, supplies, and equipment sent or the place where he maintains his business records.
- 3) This Section may be illustrated by the following examples:
 - A) A is a salesman for the B corporation located in Chicago. His territory includes Illinois, State X and State Y. A uses the corporation office in Chicago as a base of operations. The compensation for service performed by A is subject to withholding because the service is not localized in any of the three States in which it is performed, but part of the service is performed in Illinois and A's base of operations is in Illinois.
 - B) A is a salesman for the B corporation located in Chicago. A lives in State X and his territory includes State X and part of Cook County, Illinois. A starts his sales calls from and returns to his home daily. He keeps a catalogue and copies of correspondence from customers at his home, and writes his sales reports there. About once a week he reports to B's sales office in Chicago for consultation with and directions from the sales manager. Communications from customers to A are addressed to the Chicago sales office. A's letters to customers are on letterheads bearing the Chicago sales office address and are sometimes

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typed by A at home and sometimes dictated by him to a stenographer when he is in the Chicago sales office. Correspondence to A and his paychecks are sometimes picked up by A in Chicago and otherwise are forwarded by the sales office to his home. The duties which A performs at home are sufficient to make his home his base of operations. A's compensation is therefore not subject to withholding because his base of operations is in State X, and part of his service is performed in that state.

C) A, a resident of Illinois, sells products in Illinois, State X and State Y for B corporation, which is located in State Z. A operates from his home, where he receives instructions from his employer, communications from his customers, etc. Once a year, A goes to State Z for a 10 day sales meeting. All of A's compensation is subject to withholding; the service is not localized in any state but part of the service is performed in Illinois and A's base of operations is his home in Illinois.

D) A works for a company whose home office is in State X. He is a regional director working out of a branch office in Illinois. He works mostly in Illinois but spends considerable time in State X. A's base of operations is the branch office in Illinois. Since he performs some service in Illinois and his base of operations is in Illinois, it is immaterial that his source of direction and control is in State X. All of A's compensation for service is subject to withholding.

E) A, a resident of Illinois, is a salesman for the B corporation, which has its main office in State X. A works out of the main office and his territory is divided equally between State X and Illinois. A's compensation is not subject to withholding because his base of operations is in State X, and part of his service is performed in that State. A, an airplane pilot for B airline, lives in State X and regularly flies between Chicago and cities in other states. A does not have an office but reports to a flight operations office in Chicago which determines flight assignments for A and other pilots reporting to that office. A receives his paycheck and other company mail at the flight operations office in Chicago. A's base of operations is Illinois. He performs some service in Illinois and it is not "incidental" to service performed elsewhere. All of A's compensation for service is subject to withholding.

F) A, a contractor whose main office is in Illinois, is regularly engaged in road construction work in Illinois and State X. All operations are under direction of a general superintendent whose permanent office is in Illinois. Work in each state is directly supervised by field supervisors working from temporary field offices located in each of the two states. Each field supervisor has the power to hire and fire personnel; however, all requests for manpower must be cleared through the Illinois office. Employees report for work

e) Place of direction or control

1) The permanent place from which the employee's service is directed or controlled is relevant in determining whether

wages are subject to withholding if the localization tests are not applicable and it is impossible to determine the base of operation for such individual. In such a case, if both the place from which the individual's service is directed or controlled is within this State, and some of the service is performed within this State, then his entire compensation will be subject to withholding, but if not, none of his compensation will be subject to withholding. For example, a salesman's territory may be so indefinite and so widespread that he will not retain any fixed business office or address but will receive his orders or instructions by mail or wire wherever he may happen to be. In such case, the location of the permanent place from which direction and control is exercised must be determined.

2) The previous subsection may be illustrated by the following examples:

A) A, a resident of State X, is employed as a salesman by B, a corporation with its main office in State Y. B has a permanent branch office and sales supervisor in Cairo, Illinois. A was hired by the branch office and sells merchandise for B in Illinois and other neighboring states as directed by the branch office in telephone calls but he has no place which he uses as a base of operations. All of the compensation for service performed by A for B is subject to withholding because A's service is not localized in any of the states in which he operates and he has no base of operations, but part of his service is performed in Illinois and the place from which the service is directed is in Illinois.

B) A is a salesman residing in State X, who works for a concern whose factory and selling office is in Chicago, Illinois. A's territory covers five states, including Illinois. He does not report, start from or return to the Chicago office or from his residence in State X. State X is the territory of another salesman. A does not have a base of operations but would be subject to withholding since part of his service is performed in Illinois and the place from which the service is directed is in Illinois.

C) A, a contractor whose main office is in Illinois, is regularly engaged in road construction work in Illinois and State X. All operations are under direction of a general superintendent whose permanent office is in Illinois. Work in each state is directly supervised by field supervisors working from temporary field offices located in each of the two states. Each field supervisor has the power to hire and fire personnel; however, all requests for manpower must be cleared through the Illinois office. Employees report for work

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at the field offices. Time cards are sent weekly to the main office in Illinois where the payrolls are prepared. A is hired by a field supervisor in State X; he regularly performs service in both Illinois and State X. In such case, neither the localization nor the base-of-operations test would apply, but A's compensation would be subject to withholding. Part of A's service is performed in Illinois and his service is regarded as controlled from Illinois because the permanent office from which basic direction and control emanates is the Illinois office.

f) When residence is important

1) Residence is a factor in determining whether compensation paid to an individual is subject to withholding only when his service is not localized within some state; he performs no service in the state in which he has his base of operations (if he has a base of operations); and he performs no service in the state from which his service is directed or controlled. In such case, if the individual is a resident of this State, and some of his service is performed within this State, his entire compensation will be subject to withholding. However, compensation paid to residents of a state with which Illinois has entered into a reciprocal agreement (see Section 100.7090) is exempt from withholding.

2) Residence is also important in determining the Illinois income tax obligations of certain employees of railroad, motor carriers and air carriers (see Section 100.2590 above and subsection (b) above).

3) Subsection (f)(1) above may be illustrated by the following example:

A is a salesman employed by the B company located in State X. His services are directed and controlled from the State X office and he has no base of operations. A lives in Illinois but his territory includes State Y and State Z as well as Illinois. All of A's wages are subject to withholding because no part of his service is performed in the state (State X) in which the place from which his services are directed is located, but part of his service is performed in Illinois and his residence is in Illinois.

g) Deferred compensation

1) Under certain contractual unfunded deferred compensation agreements, payments are made by an employer to an employee for service rendered at an earlier date. In many such agreements, the employee receiving deferred compensation payments is not required to render any current service whatsoever, whereas in others he may be required to hold himself available to render advisory and consultative service, if called upon to do so, and to refrain from competition, but in either case, the amount of compensation is unrelated to any service being

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currently rendered. Payments made under any such deferred compensation agreement will be deemed to meet the tests set forth in subsection (a) above for compensation paid in Illinois if paid to the individual while a resident of this State. Conversely, payments made under such an agreement will be deemed not to be compensation paid in this State and will not be subject to withholding if paid to the individual while a nonresident. Amounts paid to nonresidents under deferred compensation agreements may be allocated to Illinois under IITA Section 302(a) in accordance with Section 100.3120(b)(1) notwithstanding the fact that such amounts will be deemed not to be compensation paid in Illinois for purposes of IITA Section 701 and will not be subject to withholding.

2) Subsection (g)(1) above may be illustrated by the following example:

A is a corporate executive. On January 1, 1965, A entered into an agreement with B corporation under which he was to be employed by B in an executive capacity for a period of 5 years. Under the contract A is entitled to a stated annual salary and to additional compensation to be credited to a bookkeeping reserve account and deferred, accumulated and paid in annual installments of \$5,000 on A's retirement beginning January 1, 1970. In the event of A's death prior to exhaustion of the account, the balance is to be paid to A's personal representative. A is not required to render any service to B after December 31, 1969. During 1970, A is paid \$5,000 while a resident of Illinois. This amount will be subject to withholding, because A's prior service will be deemed to have met one of the tests for compensation paid in Illinois.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Heading of the Part: Requirements for New Steel and Foundry Industry

Code Citation: 35 Ill. Adm. Code 817

Section Numbers: Adopted Action:

817.309 New Section

Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021.1, 1022 and 1027 [415 ILCS 5/5, 21.1, 22 and 27].

Does this rulemaking contain an automatic repeal date?: No

Does this Rule contain incorporations by reference? No

Date filed in Board's Principal Office: September 1, 1994

Notice of Proposal Published in Illinois Register:

April 29, 1994, 18 Ill. Reg. 6246

Has JCARR issued a Statement of Objections to these rules? No

Differences between proposal and final version:

- 1) The Board corrected the main source note.
- 2) The Board deleted the word "Part" in the citation "35 Ill. Adm. Code 620" in subsection (b).
- 3) The Board deleted one comma in subsection (d) and one comma in subsection (e).
- 4) The Board added the Section source note.

Have all the changes agreed upon by the Board and JCARR been made as indicated in the agreement letter issued by JCARR? Yes

Will this Rule replace an emergency Rule currently in effect? No

14) Are there any other amendments pending on this Part? No

5) Summary and Purpose of Rule:

In Docket R90-26, the Illinois Cast Metals Association and the Illinois Steel Group had proposed to the Board requirements for certain non-hazardous waste landfills accepting wastes from these industries for disposal. The Board adopted these amendments in R90-26, Docket A, effective August 1, 1994. (18 Ill. Reg. 12411) These requirements apply

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instead of those adopted in Docket R88-7, found in 35 Ill. Adm. Code Parts 807, and 810 through 815. The Board discussed the industry proposal at 17 Ill. Reg. 17659 (Oct. 15, 1993) as corrected at 17 Ill. Reg. 21878 (Dec. 17, 1993). The three year history of this rulemaking is discussed in detail in the Board's opinion in R90-26, Docket A, which is available from the address below.

As a result of concerns expressed at public hearings held October 1 and November 19, 1993, the steel and foundry industries supplied supplemental language imposing additional location restrictions for potentially usable waste landfills. The steel and foundry industries new Section 817.309 is discussed in more detail in the Board's opinions of March 31, 1994 and September 1, 1994, in R90-26, Docket B, which is available from the address below.

16) Information and questions regarding this adopted rule shall be directed to:

Copies of Opinions and Orders in R90-26, Dockets A and B are available from the Clerk of the Board:

Dorothy M. Gunn, Clerk
Ill. Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Questions concerning the substance of the rule may be addressed to Kathleen Crowley at the above address or by calling (312) 814-6929.

The full text of the Adopted Rule begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE

PART 817

REQUIREMENTS FOR NEW STEEL AND FOUNDRY INDUSTRY WASTES LANDFILLS

SUBPART A: GENERAL REQUIREMENTS

Section
817.101
817.103
817.104
817.105
817.106
817.107

Scope and Applicability
Determination of Waste Status
Sampling Frequency
Waste Classification
Waste Classification Limits
Waste Mining

SUBPART B: STANDARDS FOR MANAGEMENT OF BENEFICIALLY
USABLE STEEL AND FOUNDRY INDUSTRY WASTES

Section
817.201
817.202
817.203
817.204

Scope and Applicability
Limitations on Use
Notification
Long-Term Storage

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY
USABLE WASTE LANDFILLS

Section
817.301
817.302
817.303
817.304
817.305
817.306
817.309

Scope and Applicability
Design Period
Final Cover
Final Slope and Stabilization
Leachate Sampling
Load Checking
Facility Location

SUBPART D: NEW STEEL AND FOUNDRY INDUSTRY LOW RISK WASTE
LANDFILLS

Section
817.401
817.402
817.403
817.404
817.405

Scope and Applicability
Facility Location
Design Period
Foundation and Mass Stability Analysis
Foundation Construction

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817.406 Liner Systems
817.407 Leachate Drainage System
817.408 Leachate Collection System
817.409 Leachate Treatment and Disposal System
817.410 Final Cover System
817.411 Hydrogeologic Site Investigations
817.412 Plugging and Sealing of Drill Holes
817.413 Groundwater Impact Assessment
817.414 Design, Construction and Operation of Groundwater Monitoring Systems
817.415 Groundwater Monitoring Programs
817.416 Groundwater Quality Standards
817.417 Waste Placement
817.418 Final Slope and Stabilization
817.419 Load Checking

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section
817.501

Scope and Applicability

APPENDIX A Organic Chemical Constituents List

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 21.1, 22, 22.17 and 28.1, and authorized by Section 27, of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027) [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R90-26(A) at 18 Ill. Reg. 12411, effective August 1, 1994; amended in R90-26(B) at 18 Ill. Reg. 14370, effective SEP 01 1994.

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY
USABLE WASTE LANDFILLS

Section 817.309 Facility Location

- a) No part of a unit shall be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act.
- b) No part of a unit shall be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of that portion of a stratigraphic unit containing Class I or Class III groundwater as defined at 35 Ill. Adm. Code 620, unless there is a stratum between the bottom of the waste disposal unit and the top of the Class I and II groundwater that meets the following minimum requirements:
- 1) The stratum has a minimum thickness of 15.2 meters (50 feet);
 - 2) The maximum hydraulic conductivity in both the horizontal and vertical directions is no more than 1×10^{-7} centimeters per second, as determined by in situ borehole or equivalent tests;
 - 3) There is no indication of continuous sand or silt seams, faults,

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- fractures or cracks within the stratum that may provide parts for migration; and
- 4) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years.
 - c) Subsection (b) shall not apply to units that accept only beneficially useable waste.
 - d) A facility located within 152 meters (500 feet) of the right of way of a township or county road or State or interstate highway shall have its operations screened from view by a barrier of natural objects, fences, barricades or plants no less than 2.44 meters (8 feet) in height.
 - e) No part of a unit shall be located closer than 152 meters (500 feet) from an occupied dwelling, school or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school or hospital provides permission to the operator, in writing, for a closer distance.

(Source: Added at 18 Ill. Reg. 14376, effective SEP 01 1994)

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- 1) Heading of the Part:
Emergency Medical Services Code
- 2) Code Citation:
77 Ill. Adm. Code 535
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
535.150	Amendment
535.160	New Section
535.210	Amendment
535.217	Amendment
535.330	Amendment
535.430	Amendment
535.440	Amendment
535.530	Amendment
535.540	Amendment
535.850	Amendment
535.860	Amendment
- 4) Statutory Authority:
Implementing and authorized by the Emergency Medical Services Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5501 et seq.) [210 ILCS 50].
- 5) Effective Date of Rulemaking:
September 10, 1994
- 6) Does this Rulemaking Contain an Automatic Repeal Date?
No
- 7) Does this Rulemaking Contain any Incorporation by Reference?
No
- 8) Date Filed in Agency's Principal Office:
September 10, 1994
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:
17 Ill. Reg. 19846 - November 19, 1993
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? Yes No X

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If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice period:

In Section 535.150(g)(2), the following language has been added: "An ALS vehicle can be used to provide coverage at either an ALS or BLS level, and such coverage will meet the requirements of this Section."

In Section 535.150(g)(2)(A), "anticipated" has been added before "hours of operation".

The following changes were made pursuant to an agreement with the Joint Committee on Administrative Rules:

In Section 535.150(b)(5)(T), 3 sheets for each ambulance cot will be corrected to 2 sheets for each ambulance cot, to accurately reflect existing rules.

In Section 535.330(b), a portion of the following phrase, which was unintentionally omitted from the proposed rules, is being restored: "in accordance with guidelines of the federal Department of Transportation's current national curriculum".

In addition, various technical, editorial and grammatical changes were made in response to suggestions of the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed between the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

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Section Numbers Proposed Action Ill. Reg. Citation

15) Summary and Purpose of Rulemaking:

Section 535.150 - Ambulance licensing requirements are being amended to require that ambulance emergency run reports be submitted on a form prescribed by the Department or one that contains the data elements from the form, which are summarized in the rule. Requirements concerning the hours of operation of ambulance service vehicles are expanded in subsection (g).

Section 535.160 - This is a new Section concerning the transfer of care from Basic Life Support (BLS) to Intermediate Life Support (ILS) or Advanced Life Support (ALS) personnel.

Section 535.210 - Amendments to this Section require the EMS System Program Plan to include protocols for ILS/ALS System personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care to ILS or ALS is appropriate.

Section 535.217 - Requirements for Do Not Resuscitate (DNR) policies are amended to include a patient's being declared dead by a coroner or the patient's physician as one of the situations in which a policy may state that CPR will be withheld. The rule is also being amended to require the DNR policy to include recording information concerning the declaration of the resident's death on the run sheet and requesting the physician or coroner to sign the run sheet.

Section 535.330 - This Section is being amended to require that an application for licensure as an EMT-A be filed with the Department's Regional EMS Coordinator for the Region in which the EMT-A resides.

Section 535.430 - A new subsection (f) is added to state that an EMT-I who has reverted to EMT-A status may be subsequently relicensed as an EMT-I, upon the recommendation of a Project Medical Director who has verified that the individual's knowledge and clinical skills are at an active EMT-I level, and the individual has completed any retraining, education or testing deemed necessary by the PMD for resuming EMT-I activities.

Section 535.440 - A new subsection (d) is added to state that during inactive status, an EMT-I shall not function as an EMT, at any level.

Section 535.530 - A new subsection (e) is added to state that an EMT-P who has reverted to EMT-I or EMT-P status may be subsequently relicensed as an EMT-P, upon recommendation of a Project Medical Director who has verified

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that the individual's knowledge and clinical skills are at an active EMT-P level, and the individual has completed any retraining, education or testing deemed necessary by the PMD for resuming EMT-P activities.

Section 535.540 - A new subsection (d) is added to state that during inactive status, the EMT-P shall not function as an EMT, at any level.

Section 535.850 - Requirements for Mobile Intensive Care Nurse (MICN) training are amended to state that approved training may include completion of field experience, on a state-approved EMS System vehicle supervised by a licensed EMT-P or field RN with a minimum of one year's field experience or a physician with critical care knowledge and experience on an EMS vehicle.

Section 535.860 - A new subsection (c) is added to state that the Project Medical Director may require approved MICNs to complete continuing education in order to maintain their approved status in the System. Such continuing education may include the performance of clinical skills under the conditions described for field experience.

In accordance with Public Act 87-1233, the term "automatic" is replaced with "automated" in reference to defibrillation.

16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 535
EMERGENCY MEDICAL SERVICES CODE

SUBPART A: GENERAL

Section
535.10 Definitions
535.20 Incorporated Materials

SUBPART B: COMMUNICATIONS

Section
535.50 General Communications
535.60 EMS Systems Communications

SUBPART C: LICENSURE OF AMBULANCE SERVICE PROVIDERS

Section
535.100 Licensure of Ambulance Service Providers- General
535.110 Denial, Nonrenewal, Suspension and Revocation of Provider License
535.120 Renewal of License
535.130 Renewal of License Denied
535.140 Revocation of License
535.150 Ambulance Licensing Requirements
535.160 Transfer of Care

SUBPART D: EMERGENCY MEDICAL SERVICES SYSTEM PROGRAM

Section
535.200 Emergency Medical Services System Program - General
535.210 EMS System Program Plan
535.215 Approval of Additional Drugs and Equipment
535.216 Automatic Defibrillation
535.217 Do Not Resuscitate (DNR) Policy
535.220 Additions to an Approved Program (Repealed)
535.230 EMS System Personnel Standards
535.240 Minimum Standards for Continuing Operation
535.250 Resolution of Conflicts (Repealed)
535.260 System Participation Suspensions
535.265 System Review Board
535.270 State EMS Disciplinary Review Board

SUBPART E: EMERGENCY MEDICAL TECHNICIAN - AMBULANCE (EMT-A)

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Section
 535.300 Emergency Medical Technician - Ambulance Training - General
 535.310 EMT-A Testing
 535.315 Fee For Testing
 535.320 EMT-A Licensure
 535.330 EMT-A Relicensure
 535.335 EMT-A Continuing Education
 535.340 Failure to Renew - Denial of Relicensure
 535.350 Penalty (Repealed)

SUBPART F: EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE
 (EMT-I)

Section
 535.400 Emergency Medical Technician - Intermediate Training - General
 535.410 EMT-I Testing
 535.415 Fee For Testing
 535.420 EMT-I Licensure
 535.430 EMT-I Relicensure
 535.432 EMT-I Continuing Education
 535.435 Failure to Renew - Denial of Relicensure
 535.440 EMT-I Inactive Status
 535.450 Penalty (Repealed)

SUBPART G: EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC
 (EMT-P)

Section
 535.500 Emergency Medical Technician - Paramedic Training - General
 535.510 EMT-P Testing
 535.515 Fee For Testing
 535.520 EMT-P Licensure
 535.530 EMT-P Relicensure
 535.532 EMT-P Continuing Education
 535.535 Failure to Renew - Denial of Relicensure
 535.540 EMT-P Inactive Status
 535.550 Penalty (Repealed)

SUBPART H: RECIPROCITY

Section
 535.600 Reciprocity

SUBPART I: SUSPENSION, REVOCATION AND DENIAL OF
 LICENSURE OF EMTs

Section
 535.650 Suspension, Revocation and Denial of Licensure of EMTs

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SUBPART J: DATA COLLECTION AND EVALUATION

Section
 535.700 Data Collection and Evaluation

SUBPART K: WAIVER PROVISIONS

Section
 535.750 Waiver Provisions

SUBPART L: REGISTERED PROFESSIONAL NURSE (FIELD RN/MICN)

Section
 535.800 General Provisions
 535.810 Field RN Training
 535.820 Field RN Testing
 535.830 Field RN Approval
 535.840 Field RN Renewal
 535.850 MICN Training
 535.860 MICN Approval
 535.870 Reciprocity

SUBPART M: CERTIFICATION OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE
 (SEMSV) PROGRAMS

Section
 535.900 Certification of (SEMSV) Programs - General
 535.910 Denial, Nonrenewal, Suspension or Revocation of Certification
 535.920 SEMSV Program Certification Requirements for All Vehicles
 535.930 Helicopter and Fixed-Wing Aircraft Requirements
 535.931 EMS Pilot Specifications
 535.932 Aeromedical Crew Member Training Requirements
 535.933 Aircraft Vehicle Specifications and Operations
 535.934 Aircraft Medical Equipment and Drugs
 535.935 Vehicle Maintenance
 535.936 Aircraft Communications and Dispatch Center
 535.940 Watercraft Requirements
 535.941 Watercraft Vehicle Specifications and Operation
 535.942 Watercraft Medical Equipment and Drugs
 535.943 Watercraft Communications and Dispatch Center
 535.950 Off-Road SEMSV Requirements
 535.951 Off-Road Vehicle Specifications and Operation
 535.952 Off-Road Medical Equipment and Drugs
 535.953 Off-Road Communications and Dispatch Center

SUBPART N: ADMINISTRATIVE WARNINGS AND FINES

Section
 535.1000 Administrative Warnings and Fines

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AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5501 et seq.) [210 ILCS 50].

SOURCE: Adopted at 5 Ill. Reg. 5670, effective May 19, 1981; amended and codified at 8 Ill. Reg. 11623, effective June 27, 1984; amended at 11 Ill. Reg. 1433, effective February 1, 1987; amended at 11 Ill. Reg. 17219, effective October 15, 1987; amended at 11 Ill. Reg. 20945, effective December 15, 1987; amended at 12 Ill. Reg. 22406, effective December 15, 1988; amended at 13 Ill. Reg. 15414, effective September 15, 1989; amended at 13 Ill. Reg. 15716, effective September 15, 1989; amended at 14 Ill. Reg. 15390, effective September 1, 1990; amended at 15 Ill. Reg. 5722, effective April 10, 1991; amended at 15 Ill. Reg. 18167, effective December 16, 1991; amended at 17 Ill. Reg. 8196, effective May 21, 1993; amended at 18 Ill. Reg. **14375**, effective **SEP 1 0 1994**.

Section 535.150 Ambulance Licensing Requirements

a) Vehicle Design

- 1) Each vehicle used as an ambulance after the effective date of this Part shall comply with the criteria established by the U.S. General Services Administration's Specification for Ambulance (KKK-A-1822C), with the exception of the following Sections: 1.2.1 Ambulance Type - "Star of Life"; 3.8.2 Ambulance Emergency Lighting; 3.16.2 Color, paint, and finish; 3.16.4 Emblems and Markings; and 3.22 as determined by the Department by an inspection.

- 2) Each vehicle that does not meet the U.S. General Services Administration's Ambulance Design Standards (KKK-A-1822C) as determined by the Department by an inspection, but is operational on the effective date of this Part shall be considered to be in compliance with this Part until there is a transfer of ownership.

- b) Equipment Requirements - Basic Life Support Vehicles
Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

- 1) Stretchers, Cots & Litters
 - A) Primary Patient Litter

- i) Wheeled
 - ii) At least 75" to 80" long and 22" wide
 - iii) Allows for the head to be tilted upward to a 60 degree semi-sitting position
 - iv) Provided with a crash stable, quick release, 3 point fastener
 - v) Designed to insure the frame or handle will permit up to four persons to carry the litter

- B) Secondary Patient Litter

Shall be folding and/or collapsible type

- 2) Oxygen

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A) Installed

- i) Is supplied by at least 3000 liters of oxygen and tank is secured in at least 3 positions so as to provide maximum safety for patients and personnel (M cylinder)
- ii) Is equipped with a reducing valve (from 2000 PSI cylinder to 50 PSI) with pressure gauge
- iii) Is equipped with yoke
- iv) Has a pressure gauge flow meter that will deliver up to 15 liters per minute
- v) Has delivery tubes
- vi) Has oxygen outlet accessible to the technician at the head of the primary litter
- vii) Has one each adult, child and infant sized oxygen masks that are semi-open, valveless, transparent and disposable

viii) Has 3 each nasal cannulas

B) Portable

- i) Is of at least 300 liter capacity (D or E cylinder)
- ii) Is equipped with yoke
- iii) Has pressure gauge flow meter (not gravity-dependent) that will deliver up to 15 liters per minute
- iv) Has delivery tube
- v) Has one each adult, child and infant sized oxygen masks that are semi-open, valveless, transparent and disposable
- vi) Has an additional full 300 liter capacity cylinder carried on the vehicle (D or E cylinder)

3) Suction

A) Installed

- i) Is powerful enough to provide an airflow of over 20 liter/minute at the end of the delivery tube and a vacuum of over 300 mm Hg (11.811 inches) when the tube is clamped
- ii) Has vacuum adjustable for use with children and intubated patients
- iii) Has suction yoke, unbreakable collection bottle, water for rinsing, and suction tube accessible to the technician at the head of the primary litter
- iv) Has tube of sufficient length to reach the head of the primary and secondary litters
- v) Is fitted with large-bore, non-kinking, translucent suction tubing
- vi) Has 3 each sterile, single-use suction catheters with on/off control in small, medium and large sizes
- vii) Has 3 each tonsil tip suction handles or catheters, single-use
- viii) Can be disassembled for ease of cleaning and decontamination

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- B) Portable
- i) Is powerful enough to provide an airflow of at least 12 liters per minute at the end of the suction tube, and a vacuum of at least 300 mm Hg (11.811 inches) to be reached within 12 seconds after tube is clamped
 - ii) Has 3 each tonsil tip suction handles or catheters, single-use
 - iii) Is fitted with large-bore, non-kinking, translucent suction tubing with sufficient length so that unit does not have to be placed on top of patient
 - iv) Has an unbreakable collection bottle capable of holding at least 500 ml
 - v) Has 3 each sterile, single-use suction catheters with on/off control in small, medium and large sizes
 - vi) Operates from an integral battery supply which is rechargeable or gas powered and will allow the unit to meet the air flow and suction requirements of this Section for at least 15 minutes. If the portable suction unit is powered by pressurized oxygen in a cylinder, it will be attached to its own oxygen cylinder and not to spare D or E cylinders intended for portable oxygen use
 - vii) A manually operated suction device is acceptable if approved by the Department.
- 4) Medical Equipment
- A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask and child size bag-valve-mask ventilation unit with child and infant size transparent masks
 - B) Lower-extremity traction splint, adult size
 - C) Blood pressure cuff, 1 each, adult and pediatric, and gauge
 - D) 2 each stethoscopes
 - E) Pneumatic counterpressure trouser kit, adult size
 - F) Long spine board with 2 each torso straps, 9 feet in length, 1 each chin and head strap or vest type (wrap around) extrication device kit
 - G) Short spine board with 2 each torso straps, 9 feet in length, 1 each chin and head strap or vest type (wrap around) extrication device kit
 - H) Airway, oropharyngeal - adult, child and infant sizes
 - I) Bandage shears, 1 each
 - J) Padded board splints, 2 each 15"x3" (or equivalent)
 - K) Padded board splint, 1 each 4'6"x3" (or equivalent) and padded board splint, 3'x3"
 - L) Rigid cervical collars - 1 each, small, medium and large sizes. Shall be made of rigid material to minimize flexation, extension and lateral rotation of the head and cervical spine when spine injury is suspected
 - M) Sand bags - 4 each, about 4 inches in width, 2 inches in thickness and 12 inches in length or lateral C-Spine and head immobilization device(s)

- N) Patient restraints, arm and leg, sets
 - O) Hypothermic thermometer or electronic thermometer capable of aiding in the diagnosis of hypothermia - 1 each
- 5) Medical Supplies
- A) Trauma dressing - 6 each
 - B) Sterile gauze pads - 20 each, 4 inches by 4 inches
 - C) Bandages, soft roller, self adhering-type, 10 each, 6 inches by 5 yards
 - D) Vaseline gauze - 2 each, 3 inches by 8 inches
 - E) Adhesive tape rolls - 2 each
 - F) Triangular bandages or slings - 5 each
 - G) Burn sheets - 2 each, sterile
 - H) Sterile solution (normal saline) - 4 each, 500 cc or 2 each, 1,000 cc plastic bags
 - I) Aluminum foil roll or Silver Swaddler - 1 each
 - J) Bite sticks - 2 each
 - K) Obstetrical kit, sterile - 1 each, pre-packaged with instruments
 - L) Syrup of Ipecac, 1 each
 - M) Cold packs, 3 each
 - N) Emesis basin - 1 each
 - O) Drinking water - 1 quart, in non-breakable container, Sterile water may be substituted
 - P) Disposable drinking cups - 5 each
 - Q) Ambulance emergency run reports - 10 each, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form, as follows:
 - i) For Basic Life Support vehicles, including, but not limited to, time of call and response times, date, location, type of call, site of injury, mechanism of injury, injury prevention devices, patient assessment, patient care provided at the Intermediate Life Support Level, method of transportation, radio communication, hospital destination, driver and EMT-Intermediate/Field RN identification numbers.
 - ii) For Intermediate Life Support vehicles, including, but not limited to, time of call and response times, date, location, type of call, site of injury, mechanism of injury, injury prevention devices, patient assessment, patient care provided at the Intermediate Life Support Level, method of transportation, radio communication, hospital destination, driver and EMT-Intermediate/Field RN identification numbers.
 - iii) For Advanced Life Support vehicles, including, but not limited to, time of call and response times, date, location, type of call, site of injury, mechanism of injury, injury prevention devices, patient assessment, patient care provided at the Advanced Life Support level, method of transportation, radio telemetry

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communication, hospital destination, driver and EMT-paramedic Field RN identification numbers.

iv) An ambulance Emergency Run Report will be completed and a copy filed with the receiving Emergency Department prior to leaving the Receiving Hospital.

- R) Pillows - 2 each, for ambulance cot
- S) Pillowcases - 2 each, for ambulance cot
- T) Sheets - 2 each, for ambulance cot
- U) Blankets - 2 each, for ambulance cot
- V) CPR mask - 1 each, with safety valve to prevent backflow of expired air and secretions
- W) Hot packs - 3 each
- X) Urinal - 1 each
- Y) Bedpan - 1 each
- Z) Remains bag - 1 each
- AA) Non-porous disposable gloves
- BB) Impermeable red or biohazard-labelled isolation bag
- CC) Face protection through any combination of masks and/or eye protection and/or face shields

c) Equipment Requirements - Intermediate and Advanced Life Support
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsection (b) of this Section and shall also comply with the equipment and supply requirements as determined by the Project Medical Director in the System in which the ambulance and its crew participate.

d) Equipment Requirements - Rescue and/or Extrication
Each ambulance shall document the mechanism and agency that provides rescue services, and carry the following:

- 1) Wrecking bar, 24"
- 2) Goggles for eye safety
- 3) Fire extinguisher - 2 each, ABC dry chemical, minimum 5 pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment
- 4) Flashlight - 1 each, battery powered 6 volt, stand-up lantern

e) Equipment Requirements - Communications Capability
Each ambulance must have ambulance to hospital radio communications capability and meet the requirements provided in Section 535.50 of this Part.

f) Personnel Requirements

- 1) Each ambulance shall be staffed by a minimum of two EMTs, Field RNs or physicians on all emergency calls.
- 2) Each Basic Life Support vehicle using automated defibrillation shall be staffed by a minimum of one EMT-A approved by the Project Medical Director for automated defibrillation, a Field RN or physician and one other EMT, Field RN or physician.
- 3) Each ambulance used as an Intermediate Life Support vehicle shall

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be staffed by a minimum of one EMT-1, Field RN or physician and one other EMT, Field RN or physician. Each ILS vehicle using automated defibrillation shall be staffed by a minimum of one EMT-1 approved by the Project Medical Director for automated defibrillation, a Field RN or physician and one other EMT, Field RN or physician. Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one EMT-P, Field RN or physician and one other EMT, Field RN or physician. Each ambulance provider that operates an emergency transport

System that the agency providing emergency care at the scene and en route to a hospital meets the requirements of this Subpart.

g) Operational Requirements

- 1) Any operation of an ambulance while transporting a patient to a hospital shall be done in accordance with the requirements of the Act and this Part.
- 2) A licensee shall operate its ambulance in compliance with this part, twenty-four hours a day, every day of the year. Except as required below, each individual vehicle within the ambulance service shall not be required to be operated twenty-four hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS or BLS level, and such coverage will meet the requirements of this

A) At the time of application for initial or renewal licensure, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.

i) A current roster shall also be submitted which lists the EMTs, Field RNs and/or physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, and daytime telephone number, and shall state whether such person is generally scheduled to be on site or on call.

ii) An actual or proposed 4 week staffing schedule shall also be submitted, which covers all vehicles, includes staff names from the submitted roster and states whether each staff member is scheduled to be on site or on call during each work shift.

B) Licensees that are part of an EMS System shall be required to obtain the Project Medical Director's approval of their vehicles' hours of operation prior to submission to the Department. A Project Medical Director may require specific hours of operation for individual vehicles in order to assure appropriate coverage within the System.

C) A licensee that advertises its service as operating a specific number of vehicles or more than one vehicle shall

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state in such advertisement the hours of operation for those vehicles, if individual vehicles are not available twenty-four hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate twenty-four hours a day.

- 3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record on the emergency run report the patient's blood pressure, pulse, respiration, skin condition, level of consciousness, chief complaint and any treatment rendered.
- 4) A licensee shall provide emergency service within the service area on a per need basis without regard to the patient's ability to pay for such service.
- 5) A licensee shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers.
- 6) A licensee shall operate its ambulance at a level not exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless such vehicle is operated pursuant to an EMS System-approved in-field service level upgrade. (See Section 535.210(i)(7) of this Part.)
- 7) *When a basic life support ambulance has been requested by telephone and the estimated response time is more than 5 minutes, the dispatcher shall advise the person making the request of the estimated time of arrival of the ambulance.* (Section 7.1 of the Act)

- h) AGENCY NOTE: Any provider may request a waiver of any requirements in this Section under the provisions of Section 535.750. Examples of situations in which waivers of the requirement that ambulances carry pneumatic counter pressure trouser kits will be granted are as follows: When the Department is notified that a hospital or Project Medical Director will not order the use of a pneumatic counter pressure trouser kit or M.A.S.T. trousers by emergency medical personnel on a Basic Life Support Vehicle; and that a waiver is necessary to allow adequate time or progressive procurement of the pneumatic counter pressure trouser kits over a period of one to three years for those ambulance agencies that claim financial hardship.

(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.160 Transfer of Care

- a) BLS ambulance personnel at the scene of an emergency shall allow any ILS or ALS ambulance personnel at the scene access to the patient, for the purpose of assessing whether ILS or ALS care is warranted, provided that doing so would not appear to jeopardize the patient's condition.

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- b) If the ILS or ALS personnel determine that the patient requires ILS or ALS care, the BLS personnel shall transfer care of that patient to the ILS or ALS personnel, provided that doing so would not appear to jeopardize the patient's condition.

(Source: Added at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.210 EMS System Program Plan

An Emergency Medical Services (EMS) System Program Plan shall contain the following information:

- a) The name and address of the Resource Hospital;
- b) The names and resumes of the following persons:
 - 1) The Project Medical Director,
 - 2) The Project Director,
 - 3) The EMS System Coordinator;
- c) The names and addresses of each Associate or Participating Hospital;
- d) The names and addresses of each ambulance provider participating within the EMS System;
- e) A letter from the appropriate AHES committee which contains the following:
 - 1) A statement that the Resource Hospital meets the requirements of a basic or comprehensive emergency facility (See "Basic" and "Comprehensive" emergency services as defined in Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250)),
 - 2) A brief description of the AHES area including categorization scheme, a specialty availability and critical care referral patterns, and
 - 3) A statement that the proposed EMS System Program Plan has been reviewed and approved;

- f) A map of the EMS System's service area indicating the locations of all hospitals and ambulance providers participating in the System;
- g) Letters of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes such as emergency department staffing and educational requirements:

- 1) The Chief Executive Officer of the hospital,
- 2) The Chief of the Medical Staff, and
- 3) The Director of the Nursing Services;
- h) A letter of commitment from the Project Medical Director which describes the PMD's agreement to:
 - 1) Be responsible for the ongoing education of all System personnel including coordinating didactic and clinical experience;
 - 2) Develop written standing orders (treatment protocols, standard operating procedures) to be used in the PMD's absence and certify that all involved personnel will be knowledgeable in emergency

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care and capable of providing treatment and using communications equipment once the program is operational;

3) Provide the name and resume of the Alternate Project Medical Director;

4) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;

5) Develop or approve one or more ambulance emergency run reports (run sheets) covering all types of ambulance runs performed by System ambulance providers;

6) Ensure that the Department has access to all records, equipment and vehicles under the authority of the PMD, during any Department inspection, investigation or site survey;

7) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;

8) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;

9) Ensure that a copy of the application for renewal (a form supplied by the Department) is provided to every EMT-I or EMT-P within the System who has not been recommended for recertification by the Project Medical Director; and

10) Be responsible for compliance with the provisions of Sections 535.260 and 535.265 of this Part;

i) A description of the method(s) of providing EMS services which includes the protocols for:

1) single vehicle response and transport;

2) dual vehicle response;

3) level of first response vehicle;

4) level of transport vehicle;

5) use of mutual aid agreements;

6) informing the caller requesting an emergency vehicle of the estimated time of arrival when the vehicle response is estimated to be longer than six minutes; and

7) In-Field Service Level Upgrades: An EMS System may establish protocols and procedures which allow ILS or ALS personnel to board a BLS vehicle in the field in order to render a higher level of prehospital emergency care. Such protocols shall, at a minimum, require the temporary transfer of the ILS or ALS equipment to the BLS vehicle. The higher-level personnel shall assume in-field responsibility for the patient during the remainder of the prehospital transport, and the vehicle will be recognized by the Department as approved for the higher level of service during the remainder of that patient transport;

j) A letter of commitment from each Associate or Participating Hospital within the System which includes the following:

1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of

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the System;

2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its utilization of the education and continuing education aspects of the program;

3) A commitment to meet the System's educational standards for MICNs and Field RNs;

4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System;

5) An agreement to utilize the standard treatment orders as established by the Resource Hospital;

6) An agreement to follow the operational policies and protocols of the System;

7) An agreement to participate in the training and continuing education of pre-hospital personnel;

8) An agreement to collect and provide relevant data as determined by the Resource Hospital;

9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;

10) The names and resumes of the Associate Hospital EMS Medical Director and Associate Hospital EMS Coordinator;

11) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey; and

12) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized;

k) A letter of commitment from each ambulance provider participating within the System which includes the following:

1) For each EMS vehicle participating within the System:

A) The year, model, make, and vehicle identification number;

B) The license plate number;

C) The Department license number, unless exempt from Department licensure (See Section 9 of the Act);

D) The base location address; and

E) The level of service (advanced, intermediate or basic);

2) A description of its role in providing advanced life support, intermediate life support, basic life support and patient transport services with the System;

3) Definitions of the primary, secondary and outlying areas of response for each EMS vehicle used within the System;

4) A map or maps indicating the base locations of each EMS vehicle, the primary, secondary and outlying areas of response for each EMS vehicle, the population base of each service area and the square mileage of each service area;

5) A commitment to optimum response times of 4-6 minutes in primary coverage areas, 10-15 minutes in secondary coverage areas, and 15-20 minutes in outlying coverage areas;

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- 6) A commitment to twenty-four (24) hour coverage;
- 7) A commitment that within one (1) year after Department approval of the EMS System, each ambulance at the scene of an emergency and during transport of emergency patients to and between hospitals will be staffed in accordance with the requirements of Section 535.150 (f)(1) and (2);
- 8) Copies of written mutual aid agreements with other providers and/or a description of the provider's own back-up system, which detail how adequate coverage will be ensured when an EMS vehicle is responding to a call and a simultaneous call is received for service within that vehicle's coverage area;
- 9) A statement that emergency services which an EMS vehicle is authorized to provide shall not be denied on the basis of the patient's inability to pay for such services;
- 10) An agreement to file an appropriate EMS run sheet or form for each emergency call, as required by the System;
- 11) An agreement to maintain the equipment required by Section 535.150 and by the System, in working order at all times, and to carry the medication as required by the System;
- 12) An agreement to notify the Project Medical Director of any changes in personnel providing pre-hospital care in the System in accordance with the policies in the System Manual;
- 13) A copy of its current FCC license(s);
- 14) A description of the mechanism and specific procedures used to access and dispatch the EMS vehicles within their respective service areas;
- 15) A list of all personnel providing pre-hospital care, their license numbers, expiration dates and levels of licensure (EMT-A, EMT-I, EMT-P), their Field RN or MD status;
- 16) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
- 17) An agreement to allow the Project Medical Director or designee access to all records, equipment and vehicles relating to the System during any inspection or investigation by the PMD or designee to determine compliance with the System Program Plan;
- 18) Documentation that its communications capabilities meet the requirements of Section 535.50 of this Part;
- 19) Documentation that each EMS vehicle participating in the System complies with the vehicle design, equipment and extrication criteria as provided in Section 535.150(a)(1) and (b) of this Part; and
- 20) An agreement to follow the approved EMS policies and protocols of the System;
- 1) Descriptions and documentation of each communications requirement provided in Section 535.60 of this Part;
- m) A System Manual, the format of which shall be System specific as to organization, which shall contain but not be limited to subsections (1) through (11) of this subsection (m); and which except for training

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- program examinations and quizzes, student and instructor evaluations, and any examinations used to test or monitor System participants' proficiency, shall be available to all System participants. The entire Manual shall be available to any agency authorized to evaluate, survey or accredit the program.
- 1) The Project Medical Director's written standing orders (treatment protocols, Standard Operating Procedures) to be used in the PMD's absence, including the circumstances under which the MICN will call the PMD or a designated physician to the operational control point, and what the nurse's limitations are;
 - 2) A list of all equipment and drugs required for EMS vehicles;
 - 3) The System's program and requirements for the training and continuing education of EMTs, Field RNs and MICNs including but not limited to:
 - A) Curriculum (EMT training programs shall be taught in accordance with the United States Department of Transportation (DOT) Emergency Medical Technician National Standard Curriculum, 1984);
 - B) Teaching schedules;
 - C) Training program examinations, including the formats to be used (i.e., essay, multiple-choice, classroom or take-home quizzes, practical examinations);
 - D) Clinical experiences;
 - E) Training program entrance and successful completion requirements;
 - F) Training program student and instructor evaluations;
 - G) Clinical and didactic relicensure requirements, including a requirement that each EMT's continuing education records shall be kept on file at the Resource Hospital, and that copies shall be provided to the EMTs; and
 - H) System examinations, if any, used to test and monitor an EMT's continued proficiency to render the level of care for which the EMT is licensed;
 - I) A System may require that up to one-half of the yearly didactic continuing education hours that are required toward relicensure, as determined by the Department, be earned through attendance at System-taught courses;
 - J) Any didactic continuing education course which has received a State site code shall be accepted by the System, subject only to the requirements of subsection (m)(3)(1) of this Section;
 - 4) Communications standards and protocols including:
 - A) The information contained in the System Program Plan relating to the requirements of Sections 535.60(a)(1), (2), (3) and (4), 535.60(b) and 535.60(g) of this Part;
 - B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital; and

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- 6) Protocols ensuring that voice orders via radio and using telemetry shall be given by or under the direction of the Project Medical Director or the PMD's designee, who shall be either an MICN, a Field RN or a physician;
- 7) Quality assurance measures for patient care, ambulance operation and System training activities, including but not limited to monitoring training activities to ensure that the instruction and materials are consistent with United States Department of Transportation training standards for EMTs and Section 4 and 13 of the Act, unannounced inspections of pre-hospital services, and annual on-site self-assessments;
- 8) Data collection and evaluation methods which include:
- The mechanism for collecting data from hospitals and pre-hospital providers;
 - A copy of the pre-hospital reporting form;
 - The method employed to evaluate data and to notify and correct patient care or reporting discrepancies; and
 - A sample of the information and data to be reported to the Department summarizing System activity;
- 9) Operational policies which delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency services, including:
- Abuse of controlled substances by System personnel;
 - Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);
 - Infectious disease and disinfection procedures;
 - Reporting and documentation of problems; and
 - Protocols for ILS/ALS System personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the ILS or ALS personnel is therefore appropriate. Such protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it would appear to jeopardize the patient's condition, and shall require that such activities of the System personnel be done under the immediate direction of the Project Medical Director or designee;
- 10) Medical-Legal policies addressing:
- A patient's right of refusal;
 - Minor patient/guardian consent;
 - Patient abandonment;
 - Coroner policy;
 - Emotionally disturbed patients;
 - Do not resuscitate situations;
 - Patient confidentiality/release of information;
 - Interaction with law enforcement/evidence;
 - Reporting of suspected crimes (i.e., child abuse);
 - Physician on the scene; and

- Durable power of attorney for health care;
 - Any procedures regarding disciplinary/suspension decisions and the review of those decisions which the System has elected to follow in addition to those required by the Act;
 - The responsibilities of the EMS Coordinator(s), as designated by the Project Medical Director, including data evaluation, supervision of clinical, didactic and field experience training, and physician and nurse education as required; and
 - The responsibilities of the Project Director;
- 11) If the Resource Hospital for a proposed EMS System is currently participating in an existing System, the following additional information must be provided:
- A clear description of its current role and status within the existing System;
 - Its rationale for separating from the existing System and developing its own program;
 - A description of the methods to be used for ensuring the coordination of emergency services with adjacent Systems, including the System which it proposes to leave;
 - A statement detailing the effect which the proposed change will have on the area's pre-hospital services and patient referral patterns;
 - A statement summarizing the steps to be taken to ensure that the necessary quality and level of care will be maintained during the implementation phase of the proposed System;
 - A statement detailing the effect which the proposed System will have on the current radio communications systems utilized in the area;
 - A detailed description of its communications system design, including the expected delivery dates for equipment which has been purchased, leased or ordered; and
 - If the proposed System intends to use, borrow or lease any communications equipment or facilities from an existing System, a copy of a specific contract or agreement authorizing such arrangement shall be attached;
- 12) Written protocols for the transport of persons by ambulance or specialized emergency medical services vehicle to a hospital other than the nearest hospital or trauma center. (Section 10(c) of the Act)
- The protocols shall provide that a person shall not be transported to a hospital other than the nearest hospital, regional trauma center, or the nearest trauma center, unless the project medical director or his qualified designee has determined and certified that, based upon the reasonable risks and benefits to the patient, and based on the information available at the time:

- The medical benefits reasonably expected from the provision of appropriate medical treatment at a more distant hospital or trauma center outweigh the increased risks to the patient from transport to the more distant hospital or trauma center.

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center, and

B) *The more distant hospital or trauma center has available space and qualified personnel for the treatment of the patient.* (Section 10(c) of the Act) An associate hospital, participating hospital, or trauma center affiliated with the EMS System may be presumed to have available space and qualified personnel in accordance with its level of participation within the System, unless such facility has notified the Project Medical Director that it has a shortage or limitation of space or qualified personnel.

2) *The system's protocols may include an accommodation for the patient's choice of hospital other than the nearest hospital or trauma center if the transport to the more distant hospital or trauma center is not expected to increase the risk to the patient as determined and certified by the Project Medical Director or qualified designee.* (Section 10(c) of the Act)

3) In order to certify a determination made pursuant to this subsection, this determination shall be recorded and signed by the Project Medical Director or qualified designee who made such determination at the base station or medical control point which had been contacted by the EMS vehicle personnel. If the person who made the determination is not physically present at such location, the medical control personnel present shall note that on the record, and the person who made the determination shall sign the record as soon thereafter as possible.

4) For purposes of this subsection, the "nearest hospital" is the hospital which is closest to the scene of the emergency as determined by travel time, and which operates a full-time emergency department at the minimum level recognized by the System in its Department approved Program Plan. The "nearest trauma center" is either the Level I Trauma Center serving the trauma region in which the EMS System is located, or the Level II Trauma Center which is closest to the scene of the emergency as determined by travel time.

(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.217 Do Not Resuscitate (DNR) Policy

a) A System shall develop a DNR policy for use by System personnel. The policy shall be implemented only after it has been reviewed and approved by the Department, in accordance with the requirements of this Section. For purposes of this Section, DNR refers to the withholding of cardiopulmonary resuscitation (CPR), electrical defibrillation, tracheal intubation and manually or mechanically assisted ventilations, unless otherwise stated on the DNR Order.

b) The policy shall include, but not be limited to, specific procedures and protocols for cardiac arrest/DNR situations arising in long-term

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care facilities, with hospice and home-care patients, and with patients who arrest during interhospital transfers or transportations to or from home.

c) The policy shall include specific procedures and protocols for withholding CPR in situations where explicit signs of biological death are present (e.g., decapitation, rigor mortis without profound hypothermia, profound dependent lividity, etc.), or the patient has been declared dead by a coroner or the patient's physician. The policy shall include recording such information on the run sheet and requesting the physician or coroner to sign the run sheet (if applicable).

d) For situations not covered by subsection (c) of this Section, the policy shall require that resuscitative procedures must be followed unless a valid DNR Order is present.

e) A valid DNR Order shall consist of a written document, which has not been revoked, containing at least the following information:

- 1) Name of the patient,
- 2) Name and signature of attending physician,
- 3) Effective date,
- 4) The words "Do Not Resuscitate",
- 5) Evidence of consent - either:
 - A) signature of patient or
 - B) signature of legal guardian or
 - C) signature of durable power of attorney for health care agent or
 - D) signature of surrogate decision-maker or
 - E) attached living will or other advanced directive prepared by or on behalf of the patient.

f) Revocation of a written DNR Order shall be made only in one or more of the following ways:

- 1) The Order is physically destroyed or verbally rescinded by the physician who signed the order; or
- 2) The Order is physically destroyed or verbally rescinded by the person who gave written informed consent to the Order.

g) A System's DNR policy shall require System personnel to make a reasonable attempt to verify the identity of the patient (for example, identification by another person or an identifying bracelet) named in a valid DNR Order.

h) The policy shall describe the roles of the on-line medical control physician and mobile intensive care nurse (MICN) in DNR situations.

i) The policy shall state which System ambulance personnel are authorized to respond to a valid DNR Order (EMT-P, EMT-I, EMT-A, Field R.N.).

j) The policy shall cross-reference the System's coroner notification policy.

k) The policy shall describe the System's program for educating System personnel concerning the policy.

l) The policy shall identify the quality assurance measures specific to this policy, including the methods and periods of review, and the submission of a yearly report to the Department indicating issues or

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problems which have been identified and the System's responses to those issues or problems.

(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.330 EMT-A Relicensure

a) In order to be relicensed as an EMT-A:

1) The EMT-A licensee must file with the Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year license expiration date. The application shall be filed with the Department's Regional EMS Coordinator for the Region in which the EMT-A resides.

2) Written documentation must be provided to the Regional EMS Coordinator by the Project Medical Director or the EMT-A regarding completion of the following requirements:

- A) Successful completion of a twenty (20) hour refresher training program.
- B) A current CPR certificate, which covers:
 - i) Adult one-rescuer CPR
 - ii) Adult foreign body airway obstruction management
 - iii) Pediatric one-rescuer CPR
 - iv) Pediatric foreign body airway obstruction management
 - v) Adult two-rescuer CPR
 - vi) Pediatric two-rescuer CPR.

C) Forty (40) hours of continuing education, seminars and workshops plus any System continuing education requirements for EMT-As approved to operate an automated defibrillator. No more than twenty five percent (25%) of those hours may be in the same subject.

b) Composition of refresher training programs and qualifications of instructors shall be approved by the Department not less than sixty (60) days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Federal Department of Transportation's current national curriculum and based upon the program content relevancy for EMT-As. Qualifications of instructors shall be consistent with Section 535.300(e) and (f).

c) The license of an EMT-A who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the license.

(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.430 EMT-I Relicensure

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a) In order to be relicensed as an EMT-I:

1) The EMT-I licensee must file with the Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year license expiration date.

A) The submission of a transaction card (Form No. IDPH-DP .01 1-85) by the Project Medical Director will satisfy the renewal application requirement for a licensee who has been recommended for relicensure by the Project Medical Director.

B) A licensee who has not been recommended for relicensure by the Project Medical Director must independently submit to the Department an application for renewal. The Project Medical Director shall provide the licensee with a copy of the appropriate form to be completed.

2) A written recommendation signed by the Project Medical Director must be provided to the Department regarding completion of the following requirements:

- A) Successfully completing a twenty hour (20) refresher training program.
- B) A current CPR certificate which covers:
 - i) Adult one-rescuer CPR
 - ii) Adult foreign body airway obstruction management
 - iii) Pediatric one-rescuer CPR
 - iv) Pediatric foreign body airway obstruction management
 - v) Adult two-rescuer CPR
 - vi) Pediatric two-rescuer CPR.

C) Forty-eight (48) hours of continuing education, seminars and workshops, twelve (12) hours of which were directed at the intermediate skills, plus any System continuing education requirements for EMT-Is approved to operate an automated defibrillator.

D) Functioning within a State-approved EMS System providing intermediate life support services as verified by that System's Project Medical Director.

b) Composition of refresher training programs and qualifications of instructors and continuing education programs shall be submitted to the Department for approval not less than sixty (60) days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Federal Department of Transportation's current national curriculum and contains material relevant to EMT-Is. Qualifications of instructors shall be consistent with Section 535.400(f).

c) Upon denial of recommendation for relicensure, the Project Medical Director shall submit all reasons for denial. This denial shall be in writing and sent to the EMT-I and the Department.

d) The licensure of an EMT-I who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the license.

e) At any time prior to the expiration of the current license, the EMT-I

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may revert to the EMT-A status for the remainder of the license period. The EMT-I must make this request in writing to the Department. To relicense at the EMT-A level, the individual must meet the requirements for relicensure found in Section 535.330.

- f) An EMT-I who has reverted to EMT-A status may be subsequently relicensed as an EMT-I, upon the recommendation of a Project Medical Director who has verified that the individual's knowledge and clinical skills are at an active EMT-I level, and the individual has completed any retraining, education or testing deemed necessary by the PMD for resuming EMT-I activities.

(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.440 EMT-I Inactive Status

- a) Prior to the end of the two year license period, an EMT-I may request to be placed on inactive status. The request shall be made in writing to the Project Medical Director. The Project Medical Director will apply to the Department in writing and request that the EMT-I be placed on inactive status. This application shall contain the following information:
- 1) Name of individual.
 - 2) Date of licensure.
 - 3) EMT identification number.
 - 4) Circumstances requiring inactive status.
 - 5) Length of time of inactive status.
 - 6) A statement that relicensure requirements have been met by the date of the application for inactive status.

- b) The Department will review requests for inactive status. The Department shall notify the Project Medical Director in writing of its decision based on Section 535.440(a).

- c) In order for the EMT-I to return to active status, the Project Medical Director must make application to the Department. The application must be in writing and include a statement that the EMT has been examined (physically and mentally) and found capable of functioning within the EMS System and that the EMT-I's knowledge and clinical skills are at an active EMT-I level.

- d) During inactive status, the EMT-I shall not function as an EMT, at any level.

(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.530 EMT-P Relicensure

- a) In order to be relicensed as an EMT-P:

- 1) The EMT-P licensee must file with the Department an application for renewal on a form prepared by the Department at least thirty

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- (30) days prior to the two (2) year certification expiration date.

- A) The submission of a transaction card (Form No. IDPH-DP .01 1-85) by the Project Medical Director will satisfy the renewal application requirement for a licensee who has been recommended for relicensure by the Project Medical Director.
- B) A licensee who has not been recommended for relicensure by the Project Medical Director must independently submit to the Department an application for renewal. The Project Medical Director shall provide the licensee with a copy of the appropriate form to be completed.

- 2) A written recommendation signed by the Project Medical Director must be provided to the Department regarding completion of the following requirements:

- A) A minimum of forty (40) hours of continuing education in each of the last two (2) years, earned in accordance with the System's policies.
- B) A current CPR certificate which covers:
- i) Adult one-rescuer CPR
 - ii) Adult foreign body airway obstruction management
 - iii) Pediatric one-rescuer CPR
 - iv) Pediatric foreign body airway obstruction management
 - v) Adult two-rescuer CPR
 - vi) Pediatric two-rescuer CPR.
- C) Functioning within a State-approved EMS System providing advanced life support services as verified by that System's Project Medical Director.

- b) Upon denial of recommendation for relicensure, the Project Medical Director must submit all reasons for denial. This denial shall be in writing and sent to the EMT-P and the Department.

- c) The license of an EMT-P who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the license.

- d) At any time prior to the expiration date of the current license, the EMT-P may revert to either the EMT-I or EMT-A status for the remainder of the license period. The EMT-P must make this request in writing to the Department and in the case of reduction to the EMT-I level, the request must include a letter of recommendation from the Project Medical Director. To relicense at the EMT-A level, the individual must meet the requirements for relicensure found in Section 535.330. To relicense at the EMT-I level, the individual must meet the requirements for relicensure found in Section 535.430.

- e) An EMT-P who has reverted to EMT-I or EMT-A status may be subsequently relicensed as an EMT-P, upon the recommendation of a Project Medical Director who has verified that the individual's knowledge and clinical skills are at an active EMT-P level, and the individual has completed any retraining, education or testing deemed necessary by the PMD for resuming EMT-P activities.

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(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.540 EMT-P Inactive Status

- a) Prior to the end of the two year license period, an EMT-P may request to be placed on inactive status. The request shall be made in writing to the Project Medical Director. The Project Medical Director will apply to the Department in writing and request that the EMT-P be placed on inactive status. This application shall contain the following information:
 - 1) Name of individual.
 - 2) Date of licensure.
 - 3) EMT identification number.
 - 4) Circumstances requiring inactive status.
 - 5) Length of time of inactive status.
 - 6) A statement that relicensure requirements have been met by the date of the application for inactive status.
- b) The Department will review requests for inactive status. The Department shall notify the Project Medical Director in writing of its decision based on subsection (a) of this Section.
- c) In order for the EMT-P to return to active status, the Project Medical Director must make application to the Department. The application must be in writing and include a statement that the EMT has been examined (physically and mentally) and found capable of functioning within the EMS System, and that the EMT-P's knowledge and clinical skills are at an active EMT-P level.
- d) During inactive status, the EMT-P shall not function as an EMT, at any level.

(Source: Amended at 18 Ill. Reg. 14375, effective

SEP 10 1994)

Section 535.850 MICN Training

MICN training shall include successful completion of the following:

- a) A course in telemetry and communications training which is based upon the United States Department of Transportation, National Standard Curriculum for EMT-Paramedics,
- b) The American Heart Association Advanced Cardiac Life Support (ACLS) course or a course in dysrhythmia identification, therapeutic modalities, pharmacokinetics, intubation, defibrillation and management of cardiac resuscitation which is based upon the ACLS course,
- c) A pre-hospital trauma support course as approved by the Department, and
- d) Other training as required by the Project Medical Director, which may include completion of field experience, as approved by the Department on a State-approved EMS System vehicle supervised by a licensed EMT-P

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or Field RN with a minimum of one year's field experience or a physician with critical care knowledge and experience on an EMS vehicle.

(Source: Amended at 18 Ill. Reg. 14375, effective SEP 10 1994)

Section 535.860 MICN Approval

- a) To be approved as a MICN by the Project Medical Director of the EMS System, an applicant shall be a registered nurse, licensed under the Illinois Nursing Act, and shall have successfully met the requirements of Section 535.850 of this Part.
- b) All Project Medical Directors shall submit the names of approved MICNs to the Department and shall inform the Department of any changes in the status of approved MICNs.
- c) The Project Medical Director may require approved MICNs to complete continuing education in order to maintain their approved status in the System. Such continuing education may include the performance of clinical skills under the conditions described for field experience in Section 535.850(a) of this Part.

(Source: Amended at 18 Ill. Reg. 14375, effective

SEP 10 1994)

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1) Heading of the Part:

Structural Pest Control Code

2) Code Citation:

77 Ill. Adm. Code 830

3) Section NumbersAdopted Action

830.20	Amendment
830.200	Amendment
830.500	Amendment
830.700	Amendment
830.710	New Section
830.TABLE A	New Section

4) Statutory Authority:

Structural Pest Control Act

(Ill. Rev. Stat. 1991, ch. 111 1/2 par. 2201 et seq.) [225 ILCS 235]

5) Effective Date of Rules:

September 15, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒ x

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☐ No ☒ x8) Date Filed in Agency's Principal Office:

September 15, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

December 17, 1993 - 17 Ill. Reg. 21290

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes ☐ No ☒ x

If "yes," please complete the following:

A) Statement of Objection: _____, Ill. Reg. _____

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B) Agency Response: _____, Ill. Reg. _____C) Date Agency Response Submitted for Approval to the Joint Committee:11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 830.820, the Department withdrew proposed subsection (f). Therefore, the Section is not amended by this rulemaking.

2. Because proposed subsection 830.820(f) was not adopted in this rulemaking, all references to the Food, Agriculture, Conservation, and Trade Act of 1990 have been deleted from the Authority Note for this Part.

3. In Section 830.TABLE A, Schedules I and III have been revised as follows:

Schedule I:

The phrase "Detriment or" has been deleted from the headings "No Detriment or Harm" and "Documented Detriment or Harm". The new headings read "No Harm" and "Documented Harm".

Under the new heading "No Harm", the maximum fine for a "Second Violation" was changed from "\$500" to "\$350" and the range for "Each Additional Violation" was changed from "\$500 - \$1,000" to "\$350 - \$700".

Under the new heading "Documented Harm" and the subheading "Excluding Humans", the maximum fine for an "Initial Violation" was changed from "\$1,500" to "\$1,000". The range for a "Second Violation" was changed from "\$1,000 - \$2,500" to "\$700 - \$1,800". The range for "Each Additional Violation" was changed from "\$2,500 - \$5,000" to "\$1,800 - \$3,500".

Under the new heading "Documented Harm" and the subheading "Including Humans", the range for an "Initial Violation" was changed from "\$1,000 - \$2,500" to "\$700 - \$1,800". The range for a "Second Violation" was changed from "\$2,500 - \$5,000" to "\$1,800 - \$3,500". The range for "Each Additional Violation" was changed from "\$5,000 - \$10,000" to "\$3,500 - \$7,500".

Schedule III:

The maximum fine for a "Second Violation" was changed from "\$250" to

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"\$150" and the range for "Each Additional Violation" was changed from "\$250 - \$500" to "\$150 - \$350".

217/782-6187.

The full text of the Adopted Amendments begins on the next page:

In addition, various typographical, grammatical and format changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee.

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes _____ No x

14) Are there any other Amendments Pending on this Part? Yes _____ No x

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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15) Summary and Purpose of Rules:

Section 830.20. Corrects statute names and amends current citations to new ILCS format.

Section 830.200. Clarifies who will be eligible to receive a structural pest control technician certification renewal. Provides procedures to follow for those who are ineligible.

Section 830.500. Amends the classroom contact hours for approving pest control courses.

Section 830.700. Amends the title to the Subpart.

Section 830.710. Creates and identifies violations subject to administrative civil fines.

830.TABLE A. Provides the schedule of administrative civil fines.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. Devito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761,

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 0: PEST CONTROL

PART 830
STRUCTURAL PEST CONTROL CODE

SUBPART A: GENERAL

Section
830.10 Definitions
830.20 Incorporated Materials

SUBPART B: GENERAL REQUIREMENTS

Section
830.100 License Application for Commercial Structural Pest Control Business
Location
830.110 Registration Application for Non-Commercial Structural Pest Control
Location
830.120 Application for Examination as a Certified Structural Pest Control Technician

830.130 Re-examination Applications
830.140 Application of Certified Technicians for Examination in Other Sub-categories
830.150 Processing (Repealed)
830.160 Approved Applications (Repealed)
830.170 Disapproved Applications (Repealed)
830.180 License and Registration Renewals
830.190 Change of Business Ownership
830.200 Certification Renewals
830.210 Late Filing Charge
830.220 Non-renewal of Technician Certificates
830.230 Certified Technician at Each Location
830.240 Change of Certified Technician at Place of Employment
830.250 Certificates of Insurance
830.260 Insurance Coverage
830.270 Supervision of a Non-certified Technician
830.280 Inspections and Investigations (Repealed)
830.290 Classification of Pesticides
830.300 Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity
830.310 Display of License, Registration and Certification
830.315 Procedures for Certification as a Structural Pest Control Technician in Wood Products Pest Control (Repealed)

SUBPART C: EXAMINATIONS

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

830.400 General Provisions
830.410 Examinations
830.420 Examination Schedules (Repealed)
830.430 Grades
830.440 Notification of Examination Results
830.450 Confidentiality of Examination Scores
830.460 Examinee's Review of Examination

SUBPART D: PEST CONTROL COURSES

Section
830.500 Application
830.510 Application (Repealed)
830.520 Instructors
830.530 Pest Control Course Description
830.540 Record of Completion
830.550 Pest Control Course Evaluation
830.560 Approval (Repealed)
830.570 Disapproval of an Application or Recission of Approval (Repealed)

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

Section
830.600 Application
830.610 Application (Repealed)
830.620 Instructors
830.630 Pest Control Seminars
830.640 Record of Completion
830.650 Pest Control Seminar Evaluation
830.660 Approval (Repealed)
830.670 Disapproval of an Application or Recission of Approval (Repealed)

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Section
830.700 Hearings
830.710 Administrative Fines

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

Section
830.800 General Safety Precautions
830.810 Misuse of Pesticides
830.820 Records
830.830 Pesticide Storage Area
830.840 Service Vehicles
830.850 Pesticide Storage Practices
830.860 Orders to Stop Sales, Use, Seize or Regulate Removal
830.870 Hazardous Incident Notification and Abatement

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SUBPART H: BIRD CONTROL REQUIREMENTS

Section 830.880	Avicide Permit Requirements
830.885	Denial or Revocation of Avicide Permits
830.890	Bird Control Monitoring and Reporting Requirements
830.900	Bird Control Training Requirements

ILLUSTRATION A WARNING SIGN-PESTICIDE TREATMENT & VENTILATION

ILLUSTRATION B RESTRICTED USE PESTICIDE SIGN

TABLE A SCHEDULE OF ADMINISTRATIVE CIVIL FINES

AUTHORITY: Implementing and authorized by the Structural Pest Control Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 2201 et seq.) [225 ILCS 235], Illinois Pesticide Act (Ill. Rev. Stat. 1991, ch. 5, par. 801 et seq.) [415 ILCS 60] and in particular Section 3.2 [415 ILCS 60/3.2], Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 341(b)) [520 ILCS 10/11(b)], and the Federal Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at 8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 7736, effective April 15, 1987; amended at 13 Ill. Reg. 2090, effective February 3, 1989; emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days; emergency amendment lapsed on May 21, 1990; amended at 14 Ill. Reg. 12889, effective August 1, 1990; amended at 16 Ill. Reg. 11612, effective SEP 15 1994, 1992; amended at 18 Ill. Reg. 14404, effective July 5, 1994.

SUBPART A: GENERAL

Section 830.20 Incorporated Materials

- a) The following laws, rules and codes are incorporated or referenced in this Part:
- 1) Illinois Pesticide Act ~~of--1979~~ (8 Ill. Adm. Code 250), rules pertaining to Pesticide Control promulgated by the Illinois Department of Agriculture (Section 830.860);
 - 2) Rules of Practice and Procedure In Administrative Hearings (77 Ill. Adm. Code 100) promulgated by the Illinois Department of Public Health (Section 830.700);
 - 3) Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health (Section 830.800);
 - 4) Illinois Pesticide Act (Ill. Rev. Stat. ~~1989~~ 1991, ch. 5, par. 801 et seq.) [415 ILCS 60] (Section 830.710, ~~Section 830.860~~, ~~Section 830.880~~ and ~~Section 830.885~~);⁷¹
 - 5) Structural Pest Control Act (Ill. Rev. Stat. 1991 ~~1989~~, ch. 111 1/2, par. 2201 et seq.) [225 ILCS 235] (Section 830.10);

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- 6) The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et seq.) also referred to as the Federal Environmental Pesticide Control Act of 1972 (Section 830.710 and ~~Section 830.860~~);
- 7) Illinois Endangered Species Protection Act (Ill. Rev. Stat. ~~7-1989~~ 1991, ch. 8, par. 331 et seq.) [520 ILCS 10] (Section 830.880);
- 8) Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010) promulgated by the Illinois Department of Conservation (Section 830.880);
- 9) Migratory Bird Treaty Act (16 U.S.C. 7 703 et seq.) (Section 830.890).

- b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 18 Ill. Reg. 14404, effective SEP 15 1994)

SUBPART B: GENERAL REQUIREMENTS

Section 830.200 Certification Renewals

- a) Renewal applications will be mailed to all certified technicians in possession of a valid structural pest control technician certificate at least 30 days prior to December 1 during the year of certification expiration, provided that the following items are on file with the Department by October 1 of that year:
- 1) A valid, current home address; and
 - 2) Verification of attendance at the required number of recertification seminars during the certification period.
- b) A certified technician who does not receive a renewal application pursuant to subsection (a) of this Section may obtain one by submitting a written request to the Department.
- c) ~~b~~ Renewal applications shall be reviewed for accuracy by the certified technician. Any changes of employment, name, or home address shall be noted on the back of the renewal application. ~~the renewal application shall then be signed by the certified technician.~~
- d) If a renewal application is filed in a timely and sufficient manner, it will be processed by the Department and the current certification shall continue in full force and effect until the Department issues either a certification renewal or a Final Order denying the application.
- e) For purposes of this Section, a timely and sufficient manner means that:
- 1) the application is postmarked by December 1 of the year of certification expiration;
 - 2) the application is made using the Department's technician renewal form;
 - 3) the application is signed by the certified technician;

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- 4) a check or money order for the renewal fee required by Section 9 of the Act is enclosed; and
- 5) documentation of attending at least one Department approved pest control training seminar during the 3 years prior to renewal application is either on file with the Department or enclosed with the renewal application.

f) A renewal application which does not comply with subsection (e)(2) through (5) of this Section shall be considered insufficient and returned to the applicant, and the current certification shall lapse on the December 31 expiration date.

g) A renewal application which is sufficient but not timely (filed after December 1) shall be processed by the Department, but the current certification shall lapse on the December 31 expiration date. If such application is postmarked after December 31 of the year of expiration, the renewal fee shall include the late filing charge required by Section 9 of the Act and Section 830.210 of this Part in order to be considered a sufficient application.

h) The Department's acceptance of an application as sufficient for processing shall not be construed as a determination of the merits of the application or the technician's qualifications for certification renewal.

i) Prior to submitting the renewal application to the Department for processing, the technician shall have attended at least one Department approved pest control training seminar during the 3-year period preceding the technician's renewal date. Verification of seminar attendance shall be attached to the renewal when submitted to the Department, unless such verification is already on file with the Department.

j) The completed renewal application, appropriate renewal fee as set forth in Section 9 of the Act, and verification of Department approved pest control training seminar participation (if necessary) shall be filed with the Department by December 1 of the year of certification expiration.

k) Renewal applications filed with the Department postmarked after December 31 of the year of expiration or renewal applications filed with the Department but not renewed by the Department prior to December 31 of the year of expiration because they were submitted in violation of Section 830.208 of this Part, shall be assessed a late filing charge in accordance with Section 9 of the Act and Section 830.210 of this Part.

(Source: Amended at 18 Ill. Reg. 14404, effective SEP 15 1994)

SUBPART D: PEST CONTROL COURSES

Section 830.500 Application

- a) An educational institution or any other entity which has established

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or proposes to establish a pest control course to satisfy the certification requirements of Section 5 of the Act must submit its program to the Department for review and approval.

- b) Such request shall be submitted to the Department at least 60 days prior to the beginning of the course. Said request shall include:

- 1) a complete outline and description of the subject material including proposed lesson plans, course textbook, handouts, worksheets, laboratory exercises, listing of audiovisual aids and equipment, exam schedules and grading policy;
- 2) the total number of classroom hours required to complete the course (minimum of 30 60 classroom hours required for course);
- 3) type of audience;
- 4) prerequisites required in order to take course;
- 5) background information and qualifications of speakers; and
- 6) dates and locations where pest control course is to be offered (if applicable).

(Source: Amended SEP 15 1994 at 18 Ill. Reg. 14404, effective SEP 15 1994)

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Section 830.700 Hearings

All hearings held pursuant to this Part shall be in accordance with the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 18 Ill. Reg. 14404, effective SEP 15 1994)

Section 830.710 Administrative Fines

a) The Department is authorized to assess administrative civil fines against a licensee, registrant or certified technician for violations of the Act or this Part. These fines may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations.

b) The amount of a fine shall be determined in accordance with the Schedule of Administrative Civil Fines in Section 830. Table A and the following criteria:

- 1) A violation, for the purposes of this Section, will be considered to mean a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this or any other state, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with Section 14 of the Act;
- 2) For purposes of determining a second violation, an initial violation means the first violation of a particular Section of

DEPARTMENT OF PUBLIC HEALTH

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the Act. This Part within the previous three years or since the effective date of this amendment, whichever is less:

- 4) A Type A violation is any one of the following:

A) Failure to observe the general safety precautions of Section 830.830.

B) Failure to abide by any stop sale or stop use order issued under Section 830.860.

C) Failure to notify the Department of any incident or accident involving pesticides as required in Section 830.870.

D) Use of a pesticide in a manner inconsistent with its labeling directions (Section 830.810).

E) Performing a pesticide application or inspection in a faulty, careless, or negligent manner (Section 13(d) of the Act).

F) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.

G) Performing structural pest control in violation of the certification requirements of Section 4(c) and 5 of the Act and Section 830.270.

H) Performing structural pest control in violation of an order issued by the Director or his authorized representative (Sections 10(f), 13(a) and 14 of the Act).

I) Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act).

J) Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of the EFRA or the Illinois Pesticide Act (Section 13(i) of the Act).

K) Performing avicide applications in violation of Sections 830.880 through 830.890.

- 5) A Type B violation is any one of the following:

A) Failure to cease pest control operations when there is an interruption in insurance coverage (Section 830.260(d)).

B) Making or reporting false, misleading or fraudulent information to the Department (Section 13(c) of the Act).

C) Fraudulent advertisements or solicitations relating to structural pest control (Section 13(f) of the Act).

D) Allowing a license, permit, registration or certification to be used by another person (Section 4(f) and 6 of the Act).

E) Using the certification of a structural pest control technician in order to secure or maintain a license or registration when that individual is not actively employed at the business location (Section 6 of the Act).

F) Aiding or abetting a person to evade any provision of this Act (Section 13(g) of the Act).

G) Impersonating any federal, State, county or city official

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(Section 13(h) of the Act).

H) Failure to allow the Department to perform inspections and investigations in accordance with Sections 10(g) and 10(h) of the Act.

- 6) A Type C violation is any one of the following:

A) Failure to observe the pesticide storage requirements of Section 830.830.

B) Failure to observe the service vehicle requirements of Section 830.840.

C) Failure to observe the pesticide storage practices of Section 830.850.

D) Failure to establish and maintain insurance in accordance with Section 9 of the Act and Sections 830.250 and 830.250 excluding subsection (b)(5)(A) of this Section.

E) Failure to establish and maintain records of pesticide applications in accordance with Section 830.820.

F) Failure of a licensee or registrant to provide written notification to the Department concerning the loss of their only certified technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b).

G) Failure of a certified technician to provide written notification to the Department in accordance with Section 830.240(a).

H) Failure to renew a license or registration in accordance with Section 4(e) of the Act and Section 830.180.

I) Failure to renew a structural pest control technician certification in accordance with Section 6 of the Act and Section 830.200.

J) Failure to notify the Department of a change in business ownership in accordance with Section 830.190.

K) Failure to perform the notification and license replacement procedures in accordance with Section 4(d) of the Act when there is a change in business location.

L) Failure to provide information to the Department upon request in accordance with Section 13(e) of the Act.

M) Any penalty not paid within 60 days after notice from the Department shall be submitted to the Attorney General's Office for collection. Failure to pay a penalty shall also be grounds for suspension or revocation of a license, permit, registration and certification.

(Source: Added at 18 Ill. Reg. 14404, effective SEP 15 1994)

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NOTICE OF ADOPTED AMENDMENTS

Section 830. TABLE A SCHEDULE OF ADMINISTRATIVE CIVIL FINESSCHEDULE IType A Violations

	<u>No Harm</u>	<u>Documented Harm</u>
	<u>Excluding Humans</u>	<u>Including Humans</u>
<u>1. Initial Violation</u>	<u>\$100 - \$1,000</u>	<u>\$700 - \$1,800</u>
<u>2. Second Violation</u>	<u>\$0 - \$350</u>	<u>\$1,800 - \$3,500</u>
<u>3. Each Additional</u>	<u>\$350 - \$700</u>	<u>\$3,500 - \$7,500</u>

SCHEDULE IIType B Violations

1. Initial Violation \$0 - \$1,000
2. Second Violation \$1,000 - \$1,500
3. Each Additional Violation \$1,500 - \$2,000

SCHEDULE IIIType C Violations

1. Initial Violation No Fine
2. Second Violation \$0 - \$150
3. Each Additional Violation \$150 - \$350
- (Source: Added at 18 Ill. Reg. 14404, effective SEP 15 1994)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:
310.290 Amended
310.450 Amended
310.490 Amended
310.530 Amended
310.540 Amended
310. Appendix C Amended
310. Appendix D Amended
310. Appendix G Amended
- Proposed Action:
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2) [20 ILCS 415/8a.2]
- 5) The effective date of the rule: September 9, 1994
- 6) If this emergency amendment is to expire before the end of the 150 days period, please specify the date:
The emergency amendment will extend to the full 150 days.
- 7) Date Filed in Agency's principal office:
- 8) The reason for the emergency: This emergency filing is necessary to implement the Pay Plan changes for Fiscal Year 1995 affecting the Merit Compensation System Salary Schedule.
- 9) A Complete Description of the Subjects and Issues Involved:
The Department of Central Management Services is filing an emergency amendment to implement the Fiscal Year 1995 Pay Plan changes that affect those employees subject to the Merit Compensation Plan. The following Sections are being amended:
In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the out-of-state title are being revised to maintain the same differential above the appropriate in-state salary for that title.
In Section 310.450, Procedures for Determining Annual Merit Increases, subsection (d) is being revised to reflect that individuals evaluated at the Category 4 or 5 level shall not receive an increase in their present salary.
In Section 310.530, Implementation, subsection (a) is being revised to reflect the new fiscal year.

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NOTICE OF EMERGENCY AMENDMENTS

In Section 310.490, Other Pay Provisions, under "(k) Bi-lingual Pay", employees whose job descriptions require the use of sign language or a second language shall have 40 or \$75.00 per month whichever is greater added to their base rates, effective October 1, 1994; and 5% or \$100.00 per month whichever is greater will be added to the employee base rates, effective July 1, 1995.

In Section 310.540, Annual Merit Increase Guidechart, the guidechart is being revised to reflect the changes in allowable amounts of salary increases for the level of performance.

In Section 310.Appendixes C and D, the Medical Administrator Rates and the Merit Compensation System Salary Schedule, the salary ranges for those employees subject to the Merit Compensation section of the Pay Plan are being increased by 3% at the minimum salary and 3% at the maximum salary for Fiscal Year 1995. The "Merit Pay Zone Limit" is being adjusted to maintain a 5% differential above the maximum salary.

In Section 310.Appendix G, Senior Public Service Administrator Salary Schedule, the salary ranges are being revised by 3% at the minimum and maximum salaries for Fiscal Year 1995.

10) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.100	Amended	18 Ill. Reg. 11299 (July 15, 1994)
310.110	Amended	18 Ill. Reg. 11299 (July 15, 1994)
310.280	Amended	18 Ill. Reg. 10979 (July 15, 1994)
310.App. B	Amended	18 Ill. Reg. 11299 (July 15, 1994)
310.495	Amended	18 Ill. Reg. 12052 (August 5, 1994)
310.App. G	Amended	18 Ill. Reg. 12052 (August 5, 1994)

11) Statement of Statewide Policy Objectives: This rulemaking does not affect local government units.

12) Information and questions regarding these amendments shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

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NOTICE OF EMERGENCY AMENDMENTS

The full text of the emergency amendments begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYERS

SUBPART C: MERIT COMPENSATION SYSTEM

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
EMERGENCY	
310.110	Implementation of Pay Plan Changes for Fiscal Year 1995
EMERGENCY	
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
EMERGENCY	
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
EMERGENCY	
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
EMERGENCY	
310.495	Senior Public Service Administrator System
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
EMERGENCY	
310.540	Annual Merit Increase Guidechart for Fiscal Year 1994 1995
EMERGENCY	
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

Negotiated Rates of Pay

HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

TABLE A

TABLE B

TABLE C

TABLE D

TABLE E

TABLE F

TABLE G

TABLE H

TABLE I

TABLE J

TABLE K

TABLE L

TABLE M

TABLE N

TABLE O

TABLE P

TABLE Q

TABLE R

RC-069 (Firefighters, AFSCME)

RC-001 (Teamsters Local #726)

RC-020 (Teamsters Local #330)

RC-019 (Teamsters Local #25)

RC-045 (Automotive Mechanics, IFPE)

RC-006 (Corrections Employees, AFSCME)

RC-009 (Institutional Employees, AFSCME)

RC-014 (Clerical Employees, AFSCME)

RC-023 (Registered Nurses, INA)

VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)

RC-110 (Conservation Police Lodge)

RC-010 (Professional Legal Unit, AFSCME)

RC-028 (Paraprofessional Human Services Employees, AFSCME)

RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)

RC-033 (Meat Inspectors, IFPE)

RC-042 (Residual Maintenance Workers, AFSCME)

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NOTICE OF EMERGENCY AMENDMENTS

TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year

EMERGENCY

APPENDIX C Medical Administrator Rates for Fiscal Year 1994

EMERGENCY

APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1994

EMERGENCY

APPENDIX E Teaching Salary Schedule (Repealed)

APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)

APPENDIX G Senior Public Service Administrator Salary Schedule-effective August-16th-1993

EMERGENCY

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a2) (20 ILCS 415/8a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7230, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10

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Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17512, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13359, amended at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14

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Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15370, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective SEP 09 1994, for a maximum of 150 days.

Section 310.290 Out-of-State or Foreign Service Rate

EMERGENCY

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services

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will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range Effective Fiscal Year 1994 12
Foreign Service Economic Development Executive I	3069-52292161-54
Foreign Service Economic Development Executive II	3930-69723048-71
Foreign Service Economic Development Representative	2600-43452686-45
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	2050-32702111-34
Office Assistant (Foreign Service)	2310-37052387-38
Office Associate (States Other Than California and New Jersey) (CA, NJ)	1719-21292186
Office Coordinator (States Other Than California and New Jersey) (CA, NJ)	1839-33072376
Revenue Audit Supervisor (States Other Than California and New Jersey) (CA, NJ)	2079-36002686
Revenue Auditor I (States Other Than California and New Jersey) (CA, NJ)	1909-34062478
Revenue Auditor II (States Other Than California and New Jersey) (CA, NJ)	2158-37202802
Revenue Auditor III (States Other Than California and New Jersey) (CA, NJ)	3241-55563338-58
Revenue Auditor IV (States Other Than California and New Jersey) (CA, NJ)	3663-62003774-65
Revenue Auditor V (States Other Than California and New Jersey) (CA, NJ)	2601-34023504
Revenue Auditor VI (States Other Than California and New Jersey) (CA, NJ)	2941-30453961
Revenue Auditor VII (States Other Than California and New Jersey) (CA, NJ)	2876-37843697
Revenue Auditor VIII (States Other Than California and New Jersey) (CA, NJ)	3251-42774406
Revenue Auditor IX (States Other Than California and New Jersey) (CA, NJ)	3204-42594380

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(CA, NJ) 3622-48074952
 Revenue Auditor Trainee 2168-27742857
 (States Other Than California and New Jersey)
 (CA, NJ) 2451-33663229
 Senior Public Service Administrator 3787-83993901-86
 (States Other Than California and New Jersey)
 (CA, NJ) 4281-94854410-97
 Tax Examiner 1909-24062478
 (States Other Than California and New Jersey)
 (CA, NJ) 2158-27282802
 Tax Examiner Trainee 1719-23232186
 (States Other Than California and New Jersey)
 (CA, NJ) 1944-24062471

(Source: Emergency amendment at 18 Ill. Reg. 14417, effective SEP 09 1994, for a maximum of 150 days)

Section 310.450 Procedures for Determining Annual Merit Increases
 EMERGENCY

- a) An annual merit increase is an in-range salary adjustment for demonstrated performance.
- b) Eligibility for an annual merit increase shall be determined by the following conditions:
- 1) Each employee will be eligible for a merit review after attaining 12 months creditable service. The employee's immediate supervisor shall prepare an Individual Development and Performance Evaluation form prior to the Performance Review Date, and discuss the results with the employee.
 - 2) Should the Individual Development and Performance review result in the employee not being eligible for an annual merit increase due to provisions of subsection 310.450(d), or should the employee's base rate be at the maximum rate of pay of the salary range assigned to the employee's position, the employee will not be eligible for an annual merit increase until 12 months of additional creditable service has been accrued.
- c) Based upon the results of the Individual Development and Performance Evaluation, the employees' immediate supervisor shall determine whether the employee's performance warrants or does not warrant an annual merit increase.
- d) The amount of an annual merit increase recommendation shall be determined by use of the Merit Increase Guidechart of Section 310.540.

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- if the employee's Individual Development and Performance Evaluation has on the Performance Review Date been evaluated at a Category 3 or higher level. An employee whose Individual Development and Performance Evaluation has, on the Performance Review Date been evaluated at Category 4 or 5 shall not receive an increase in the present base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of pay of the respective salary range assigned to the employee's position.
- e) The employee's immediate supervisor shall prepare a Performance Certification and Salary Increase Recommendation form, indicating whether or not the employee is eligible for an annual merit increase and the amount thereof.
- f) The employee's immediate supervisor shall forward the Individual Development and Performance Evaluation records and Performance Certification and Salary Increase Recommendation records to the agency head or a designated authority for review and approval.
- g) Annual merit increases in pay shall become effective the first day of the month in which the employee's Performance Review Date occurs.

(Source: Emergency amendment at 18 Ill. Reg. 14417, effective SEP 09 1994, for a maximum of 150 days)

Section 310.490 Other Pay Provisions
 EMERGENCY

- a) Transfer -- Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Salary -- Normally upon entry to state service, an employee's base salary will be at the minimum salary of the salary range.
- 1) Qualifications above Minimum Requirements --
 - A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Such qualifications above the minimum requirements must possess documented support for higher than the minimum entrance salary.
 - B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.

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- 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.
- 3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

- c) Differential and Overtime Pay -- An eligible employee may have an amount added to the base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

- 1) Shift Differential Pay -- An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 2) Overtime Pay -- The Director of the Department of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System who are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services. Classes above MC 6 may be added to the list when requested by an agency and approved by the Director of Central Management Services in consideration of need of the agency and relationship to eligible titles. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation. Any exception to the above provisions for overtime compensation shall be approved by the Director of the Department of Central Management Services. Such exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked

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beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

- d) Part-Time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis which will be computed from annual rates of salary and the total number of work days in the year.
- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.
- f) Lump Sum Payment -- Shall be provided for accrued vacation and overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a) of the Merit Compensation System.

AGENCY NOTE: The method to be used in computing lump sum payment for vacation and overtime payment for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay.

- g) Salary Treatment upon Return from Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Education Leave will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.
- h) Employees in classes which are made subject to the Merit Compensation System after July 1, 1979, will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.
- i) Extra Duty Pay -- An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing

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agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

1) Salary Treatment Upon Reemployment --

1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

k) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

1) Bilingual Pay --

1) Effective ~~January-17-1992~~ October 1, 1994, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional \$25-00 4% or \$75.00 per month whichever is greater in addition to the employee's base rate.

2) Effective ~~January-17-1993~~ July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language shall receive \$50-00 an additional 5% or \$100.00 per month whichever is greater in addition to the employee's base rate.

3) Effective ~~January-17-1994~~ July 1, 1994, individual positions whose job descriptions require the use of sign language or a second language shall receive \$75-00 per month in addition to the employee's base rate.

m) Clothing or Equipment Allowance -- An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment which is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of the Department of Central Management Services. The Director of the Department of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

(Source: Emergency amendment at 18 Ill. Reg. 14417, effective SEP 09 1994, for a maximum of 150 days)

Section 310.530 Implementation
EMERGENCY

a) The salary schedule for the Merit Compensation System for Fiscal Year 1994 1995 is as set forth in Appendix D of the Pay Plan.

b) The Merit Increase Guidechart for Fiscal Year 1994 1995 is as set forth in Section 310.540 of the Pay Plan.

c) Any employee with a performance review date of July 1, or August 1 or September 1 will have his or her salary increase determined by the use of the Merit Compensation Guidechart for Fiscal Year 1994 1995. The increase will be dated ~~August-16-1993~~ September 16, 1994, and a lump sum will be provided as if this resultant salary were effective on the original performance review date. The creditable service date will be adjusted to return to the regular anniversary month.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 1994 1995
EMERGENCY

Category	Definition	Increase
Category-1	Superior	2%+-4-5%+-to-6-5%
Category-2	Exceeds-Expectations	2%+-3%+-to-4-5%
Category-3	Meets-Expectations	2%+-0%+-to-3%
Category-4	Needs-Improvement	2%
Category-5	Unacceptable	0%
Category 1	Superior	\$125 + 2% to 4%
Category 2	Exceeds Expectations	\$125 + 0% to 2%
Category 3	Meets Expectations	\$125
Category 4	Needs Improvement	0%
Category 5	Unacceptable	0%

(Source: Emergency amendment at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days)

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Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year 1994/1995
EMERGENCY

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical-Administrator-I	67,452	77,713	87,974
Option-E	77,424	92,556	107,688
Medical-Administrator-II	77,205	87,495	97,785
Option-B	86,769	101,940	117,742
Medical-Administrator-III	67,922	87,251	97,530
Option-E	87,664	99,012	114,736
Medical-Administrator-III	87,067	97,332	107,657
Option-B	96,084	111,904	127,788
Medical-Administrator-III	97,449	116,798	134,496
Option-E	99,488	117,339	136,068
Medical-Administrator-IV	87,425	97,882	107,339
Option-B	101,718	118,758	136,068
Medical-Administrator-V	87,568	107,017	124,474
Option-E	102,729	120,284	137,688
Medical Administrator I,	66,646	77,945	89,244
Option C	79,752	95,340	110,928
Medical Administrator I,	74,211	87,750	100,079
Option D	89,052	105,000	120,948
Medical Administrator II,	77,181	89,499	98,817
Option C	86,172	101,988	117,804
Medical Administrator II,	82,247	96,612	109,977
Option D	98,964	115,344	131,724
Medical Administrator III,	83,539	100,042	111,545
Option D	102,468	120,504	138,540
Medical Administrator IV	86,678	100,179	111,680
Option D	104,136	122,148	140,160
Medical Administrator V	88,817	103,318	118,819
Option D	105,804	123,816	141,828

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Emergency amendment at 18 Ill. Reg. **14417**, effective **SEP 09 1994**, for a maximum of 150 days)

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Section 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1994/1995
EMERGENCY

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary	Merit Pay Zone Limit
ME-1	17,789	27,165	27,621	27,752
ME-2	20,588	27,989	31,745	33,024
ME-3	17,783	27,275	27,767	27,995
ME-4	27,396	33,284	33,780	34,868
ME-5	17,868	27,406	27,944	37,091
ME-6	27,416	35,328	35,732	37,092
ME-7	17,953	27,518	37,083	37,237
ME-8	27,436	37,216	37,996	38,844
ME-9	27,059	37,276	37,276	37,440
ME-10	27,688	37,956	39,312	41,280
ME-11	27,153	37,799	37,445	37,617
ME-12	27,036	37,580	41,734	43,740
ME-13	27,268	37,968	37,668	37,851
ME-14	27,216	37,616	44,781	46,732
ME-15	27,398	37,147	37,904	47,099
ME-16	27,764	46,784	46,784	49,188
ME-17	27,526	37,322	47,118	47,324
ME-18	39,732	49,746	49,746	51,888
ME-19	37,669	37,530	47,487	47,627
ME-20	37,028	42,746	52,884	55,524
ME-21	37,018	37,754	47,690	47,925
ME-22	37,816	45,784	56,288	59,188
ME-23	37,993	47,085	57,817	57,268
ME-24	37,916	48,068	60,284	63,216
ME-25	37,195	47,281	57,367	57,635
ME-26	38,740	51,372	64,740	67,628
ME-27	37,417	47,596	57,775	67,064
ME-28	47,084	55,712	69,738	72,768
ME-29	37,669	47,928	67,187	67,496
ME-30	47,028	59,136	74,724	77,952
ME-31	37,927	57,294	67,661	67,994
ME-32	47,124	63,752	79,792	83,928
ME-33	47,230	57,714	77,190	77,558
ME-34	58,056	68,568	86,288	90,688
ME-35	47,568	57,971	77,374	77,743
ME-36	54,816	71,652	88,488	92,916
ME-37	47,239	67,239	77,544	77,921
ME-38	59,728	74,868	90,528	95,052
MC 1	17,760	27,230	27,700	28,335
MC 2	21,120	26,760	32,400	34,020
	18,336	21,343	27,850	29,931

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MC 3	22,032	28,116	34,200	35,916
	1,924	2,478	3,032	3,184
MC 4	23,088	29,736	36,384	38,208
	2,012	2,594	3,176	3,335
MC 5	24,144	31,128	38,112	40,020
	2,112	2,743	3,374	3,543
MC 6	25,344	32,916	40,488	42,516
	2,218	2,883	3,548	3,725
MC 7	26,616	34,596	42,576	44,700
	2,336	3,057	3,778	3,967
MC 8	28,032	36,684	45,336	47,604
	2,462	3,242	4,022	4,223
MC 9	29,544	38,904	48,264	50,676
	2,602	3,422	4,242	4,454
MC 10	31,224	41,064	50,904	53,448
	2,749	3,644	4,539	4,766
MC 11	32,988	43,728	54,468	57,192
	2,903	3,867	4,831	5,073
MC 12	34,836	46,404	57,972	60,876
	3,083	4,126	5,169	5,427
MC 13	36,996	49,512	62,028	65,124
	3,291	4,410	5,529	5,805
MC 14	39,492	52,920	66,348	69,660
	3,520	4,734	5,948	6,245
MC 15	42,240	56,808	71,376	74,940
	3,779	5,076	6,373	6,692
MC 16	45,348	60,912	76,476	80,304
	4,045	5,453	6,861	7,204
MC 17	48,540	65,436	82,332	86,448
	4,365	5,886	7,407	7,777
MC 18	52,380	70,632	88,884	93,324
	4,705	6,150	7,595	7,975
MC 19	56,460	73,800	91,140	95,700
	5,082	6,426	7,770	8,159
	60,984	77,112	93,240	97,908

(Source: Emergency amendment at 18 Ill. Reg. 14417, effective SEP 09 1994, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310-APPENDIX G Senior Public Service Administrator Salary Scheduler
Effective August 16, 1993
EMERGENCY

Title	Minimum Salary	Maximum Salary
Senior-Public-Service-Administrator	397,520	667,950
Level-I	507,000	877,550
Senior-Public-Service-Administrator	\$40,706	\$68,959
Level-II	\$50,000	\$90,177

(Source: Emergency amendment at 18 Ill. Reg. 14417, effective SEP 09 1994, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Relative Home Placement
- 2) Code Citation: 89 Ill. Adm. Code 335
- 3) Section Numbers:

<u>Emergency Action:</u>	
335.204	Amend
335.206	Amend
335.208	Repeal
335.300	Amend
Appendix A	New
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23 par. 5005)(20 ILCS 505/5).
- 5) Effective Date of the Amendments and Repealer: August 31, 1994
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: August 31, 1994
- 8) Reason for Emergency: The Department has struggled to find effective ways to control the growing relative home caseload. The initiatives proposed over the last few years, although well-intentioned, have not proven effective in controlling the increasing caseload. Via these emergency amendments, the Department is removing these requirements. These emergency amendments will remove the major obstacles to relative home care. The Department will be proposing further amendments to these rules within the next few weeks to further enhance and simplify the relative approval process.

9) A Complete Description of the Subjects and Issues Involved: As the number of children entering substitute care has skyrocketed over the past few years, increasingly the Department has turned to relatives to serve as placements for children in need of care away from their parents. Although relatives have stepped forward and provided care for these abused and neglected children, the tremendous growth in relative home care has been fraught with administrative and management problems for the Department.

Among the attempts to bring the relative home caseload under control was the recent enactment of the two-tier payment process, which was scheduled to begin September 1, 1994, and the more longstanding requirement that if a relative home was not approved within 90 days after the child was placed in the home, the child would be moved to another suitable placement.

The two-tier payment process, although never implemented, was strongly

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

opposed by the private sector, the plaintiffs and the monitor in the B.H. Consent Decree, and the plaintiffs in the Reid Consent Decree. The second requirement, that children be moved if the home is not approved within 90 days of placement, has been re-evaluated by the Department in view of the public comments.

With these emergency amendments, the Department is repealing the two-tier payment process and removing the requirement that children be moved if a relative home is not approved within 90 days of the child's placement in the home. In addition, the Department is clarifying the language regarding the length of approvals.

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: These emergency amendments do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203)(30 ILCS 805/3).

12) Information and questions regarding these emergency amendments and repealer shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, # 222
Springfield, Illinois 62701

Phone: (217) 524-1983
TTY: (217) 524-3715

The full text of the emergency amendments and repealer begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335
RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

Section
335.100 Purpose
335.102 Definitions

SUBPART B: PLACEMENT

Section
335.200 Identification and Selection of Relative Placements
335.202 Placement Pre-Conditions

335.204 Continuation of Placement

EMERGENCY

335.206 Required Notices and Information

EMERGENCY

335.208 Payment Provisions (Repealed)

EMERGENCY

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section

335.300 Provisions Pertaining To Approval

EMERGENCY

335.302 Safety Requirements for the Relative Family Home

335.304 Requirements For Sleeping Arrangements

335.306 Nutrition and Meals

335.308 Business and Employment of Relative Foster Parents (Repealed)

335.310 Qualifications of Related Caretakers

335.312 Background Inquiry

335.314 Health of Relative Family

335.316 Number of Children Served

335.318 Meeting Basic Needs of Related Children

335.320 Health Care of Related Children

335.322 Religion

335.324 Education

335.326 Discipline of Related Children

335.328 Emergency Care of Related Children

335.330 Release of Children

335.332 Confidentiality of Information

335.334 Required Written Consents

335.336 Records To Be Maintained

335.338 Cooperation with the Supervising Agency and the Department

335.340 Severability of This Part

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

APPENDIX A
Crimes Identified in Section 4.2 of the Child Care Act of 1969
EMERGENCY

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/5].

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993; amended at 18 Ill. Reg. 7744, effective September 1, 1994; emergency amendment at 18 Ill. Reg. **14436**, effective **AUG 31 1994**, for a maximum of 150 days.

Section 335.204 Continuation of Placement
EMERGENCY

a) ~~Related-caregivers shall meet the standards prescribed in Subpart E of this Part within 90 days of the initial placement.~~

b) ~~Placement staff of the supervising agency shall assure that no child for whom the Department is legally responsible remains in the care of a related caregiver in excess of 90 days unless:~~

1) ~~the related caregiver has been approved as a meeting standards prescribed by Subpart E of this Part; or~~

2) ~~the related caregiver is awaiting the results of a medical examination completed within 90 days of the child's initial placement; or~~

3) ~~a waiver as specified in subsection (c) below has been requested and granted.~~

a) ~~The Director of the Department or designee shall waive specific Approval Standards For Relative Family Homes except for those requirements the standards in Sections 335.302, 335.310 (a) and (b), and 335.312 or where a waiver of the particular standard(s) would endanger the health, safety or welfare of the child(ren) involved, or where the waiver would result in a placement for which the federal government refuses to provide funding to the Department or would result in a placement that would pose an obstacle to achieving permanency for the child. Requests for waivers shall be in writing, on a form prescribed by the Department. Approvals of waivers shall be in writing, dated and signed by a representative of the Department, and retained in the permanent approval record.~~

b) ~~Waivers granted in accordance with subsection (a) above shall be valid for the duration of approvals granted pursuant to Subpart C of this Part.~~

(Source: Emergency amendment at 18 Ill. Reg. **14436**, effective **AUG 31 1994**, for a maximum of 150 days)

Section 335.206 Required Notices and Information
EMERGENCY

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- a) The Department shall provide written information to relative caregivers at the time children are placed in their home and to relatives who are being assessed as a placement resource. The information shall explain the difference between private and public guardianship and shall advise the relatives that ~~they have 90 days from the date of placement to come into the home study will verify compliance with the approval standards for relative home caregivers or to be granted the Department may grant a waiver of specific approval standards.~~
- b) The Department shall provide a notice to specified relatives which explains that they may seek a waiver of any approval standards which they have failed to meet, except the standards in Sections 335.302, 335.310(a) and (b) and 335.312 and the Department shall grant waivers of those standards unless the granting of a waiver would:
- 1) endanger the health, safety, or welfare of the related child; or
 - 2) result in a placement for which the federal government refuses to provide funding to the Department; or
 - 3) pose an obstacle to achieving permanency for the related child.
- c) If the Department concludes that a relative home cannot be approved, or a waiver has been requested and denied, ~~or if as a result of the relative's failure to cooperate with the approval process, the approval review cannot be completed within 90 days, the Department shall send a written notice to the relative caregiver, the child's parent or parents, the child (if over age 7), and the child's attorney and guardian ad litem which explains that the relative caregiver's home has not met the approval standards for a relative home and that the child will be placed in another home. The notice shall meet the requirements of 89 Ill. Adm. 337, Service Appeals Process, and shall advise the relative that all appeals regarding the move of related children to another placement will be combined.~~

(Source: Emergency amendment at 18 Ill. Reg. 14436, effective AUG 31 1994, for a maximum of 150 days)

Section 335.208 Payment Provisions (Repealed)

EMERGENCY

- a) ~~Relative caregivers who accept related children for full-time care are eligible for reimbursement for the care provided. Relatives who have accepted children for care on or after the effective date of this Act but who have not yet submitted to the Department the items necessary to begin the process to become an approved relative family home shall be reimbursed at the applicable rate for child-only cases under the Aid to Families with Dependent Children (AFDC) program. Relatives who have submitted to the Department all of the items necessary to begin the approval process shall be reimbursed at the Department payment rate for regular foster care.~~
- b) ~~The items necessary to begin the approval process and, therefore, to be eligible for reimbursement at the regular foster care rate are:~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- i) ~~A completed and signed authorization for background check for each adult living in the home;~~
- 2) ~~two sets of completed fingerprint cards for each adult living in the home or a successful fingerprint scan via electronic equipment;~~
- 3) ~~A completed application for relative foster home approval which has been signed by the relative applicant along with a completed family home information sheet;~~
- c) ~~When all of the items in subsection (b) above have been completed signed and received by the Department, the payments for the related children in care shall be increased to the foster care payment rate appropriate for the ages of children placed in the home with the relative caregiver. This increase shall be effective retroactively to the date that the Department placed the children in the care of the relatives;~~
- d) ~~If all of the items in subsection (b) above have not been completed signed and received by the Department within 90 days of the date the Department placed the children in the care of the relatives, the children shall be moved to an alternative appropriate placement.~~
- (Source: Emergency amendment at 18 Ill. Reg. 14436, effective AUG 31 1994, for a maximum of 150 days)

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section 335.300 Provisions Pertaining To Approval

EMERGENCY

- a) Approval of a relative family home shall be valid for four years unless ~~one of the following occurs: 1) the family moves to an address other than that for which approval was granted; 2) the related caregiver(s) substantially violates the requirements of this Part so as to endanger the health, safety or welfare of the child(ren) or an adult member of the household is charged with or convicted of one of the crimes listed in Appendix A of this Part or is indicated as the perpetrator of a child abuse/neglect report which resulted in serious harm to a child. Refusal to cooperate with the supervising agency is a factor taken into consideration in determining whether the violation is substantial;~~ 3) ~~the specific related children for whom the home was approved no longer reside with the relative caregiver.~~
- b) The related caregiver shall notify the supervising agency within thirty (30) days of a change of address or a change in the family composition of the household. Whenever ~~any of the events specified in subsection (a) above occur~~, the relative family home moves to another address, there is a change in the composition of the household, a member of the household has been charged with or convicted of one of the crimes listed in Appendix A or is indicated as a perpetrator of child abuse/neglect which resulted in serious harm to a child, the home shall be submitted for re-evaluation. If the perpetrator of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

crime or the child abuse/neglect continues to have access to children, access of the perpetrator to the children shall be limited by a protective plan while the reevaluation is being completed by the supervising agency.

- c) Ninety days prior to the expiration date of the most recent approval, the home shall be submitted for re-evaluation.
- d) The child(ren) shall remain in the home during the re-evaluation provided the requirements of Section 335.200 continue to be met.

(Source: Emergency amendment at 18 Ill. Reg. 14436, effective AUG 31 1994, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 335. APPENDIX A CRIMES IDENTIFIED IN SECTION 4.2 OF THE CHILD CARE ACT OF 1969
EMERGENCY

Crimes identified in Section 4.2 of the Child Care Act of 1969 include those serious criminal offenses under the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, pars. 1-1 et seq.) (720 ICS 5) or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below.

Murder
Kidnapping
Aggravated Kidnapping
Child Abduction
Aggravated Battery of a Child
Criminal Sexual Assault
Aggravated Criminal Sexual Assault
Criminal Sexual Abuse
Aggravated Criminal Sexual Abuse
Child Pornography
Exploitation of a Child
Obscenity
Harmful Material
Tie-in Sales of Obscene Publications to Distributors
Indecent Solicitation of a Child
Public Indecency
Sexual Relations Within Families
Prostitution
Soliciting for a Prostitute
Soliciting for a Juvenile Prostitute
Pandering
Keeping a Place of Prostitution
Keeping a Place of Juvenile Prostitution
Patronizing a Juvenile Prostitute
Pimping
Juvenile Pimping

(Source: Emergency rule added at 18 Ill. Reg. 14436, effective AUG 31 1994, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Illinois Plumbing Code2) Code Citation: 77 Ill. Adm. Code 8903) Section Numbers: Emergency Action:

890.640	Amendment
890.650	Amendment
890.1130	Amendment
890.1140	Amendment
890.Appendix A, Table A	Amendment
890.Appendix A, Table M	Amendment
890.Appendix A, Table N	Amendment
890.Appendix A, Table O	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Plumbing License Law (Ill. Rev. Stat. 1991, ch. 111, par. 1133) (225 ILCS 320/33).5) Effective Date of Emergency Rules: September 1, 19946) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire: Not Applicable7) Date Filed in Agency's Principal Office: September 1, 1994

8) Reason for Emergency: The entire Illinois Plumbing Code (77 Ill. Adm. Code 890) was recently rewritten and promulgated, effective December 1, 1993. Several issues have surfaced regarding the new code that require modification of the code as soon as possible. The Department is proceeding with these amendments in an emergency manner either to relieve an economic hardship created by the new Illinois Plumbing Code or to bring the code into compliance with federal law.

9) A Complete Description of the Subjects and Issues Involved: Four issues are being addressed with this emergency rulemaking:

i) Bathtub liners/inserts: The December 1993 Illinois Plumbing Code prohibits the use of sheet lining over any existing bathtub. This has created an economic hardship for manufacturers and installers of bathtub liners or inserts, some of which are in Illinois. The Department proposes to amend the code to allow the use of certain bathtub liners or inserts, provided they meet strict standards for construction.

ii) Water closet sizing for DCFS-licensed day care facilities: The current code requires schools to provide child or juvenile type water closets for children under five (5) years of age. No exception is provided for DCFS-licensed day care facilities that may also serve as schools, even though an agreement was reached during the final development of the current code to exclude DCFS licensed day care facilities from this requirement. The emergency amendment will

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

specifically exempt DCFS licensed day care facilities from the existing requirement, as agreed with DCFS last fall.

iii) The Illinois Manufactured Housing Association has challenged the requirement in the new code that manufactured housing and mobile homes have backflow protection installed to protect the potable water supply from potential cross-connection in the manufactured home. The Association argued that federal construction standards for such homes, regulated by the U.S. Department of Housing and Urban Development (HUD), provide adequate protection against contamination of the water supply. The Association also questioned whether this Illinois Plumbing Code rule violates federal law and rules which prohibit states and municipalities from establishing stricter construction or safety standards than those established by HUD for manufactured housing. This emergency rulemaking amends the code to regulate only manufactured housing and mobile homes produced prior to any federal regulation of their construction (June 15, 1976). This amendment will ensure that the Illinois Plumbing Code does not violate federal law or HUD rules regarding manufactured housing construction.

iv) The Home Builders Association of Illinois and the Illinois Municipal League have identified a problem with several tables in the code that regulate the sizing of water service lines and water meters. They complained that the requirements are excessive for many municipalities with high water pressures within their systems, and occasionally inconsistent with local ordinances or practices regarding water meter sizing. This rulemaking will amend the subject tables to reduce the water service size requirements for the typical home and allow the existing local ordinances regarding water meter sizing to preempt the water meter size requirements provided by the code.

10) Are There Any Proposed Amendments Pending on this Part? No

11) Statement of Statewide Policy Objectives: These emergency rules will not require any new expenditures by units of local government. They should be supported by most units of local government because they afford local public water suppliers/districts more control over water meter sizing than the current rules allow.

12) Information and Questions Regarding these Emergency Rules shall be directed to:

Gail M. DeVito
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-6187

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: WATER AND SEWAGE

PART 890

ILLINOIS PLUMBING CODE

SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

Section	
890.110	General Regulations
890.120	Definitions
890.130	Incorporation by Reference
890.140	Repairs and Alterations
890.150	Workmanship
890.160	Used Plumbing Material, Equipment, Fixtures
890.170	Sewer and/or Water Required
890.180	Sewer and Water Pipe Installation
890.190	Piping Measurements
890.200	Operation of Plumbing Equipment

SUBPART B: PLUMBING MATERIALS

Section	
890.210	Materials
890.220	Identification
890.230	Safe Pan Material

SUBPART C: JOINTS AND CONNECTIONS

Section	
890.310	Tightness
890.320	Types of Joints
890.330	Special Joints
890.340	Use of Joints
890.350	Unions
890.360	Water Closet and Pedestal Urinal
890.370	Prohibited Joints and Connections in Drainage Systems
890.380	Increases and Reducers

SUBPART D: TRAPS AND CLEANOUTS

Section	
890.410	Traps
890.420	Pipe Cleanouts
890.430	Cleanout Equivalent
890.440	Acid-Proof Traps

SUBPART E: INTERCEPTORS-SEPARATORS AND BACKWATER VALVES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section	
890.510	Grease Interceptor Requirements
890.520	Gasoline, Oil and Flammable Liquids
890.530	Sand, Bottle and Slaughter Houses
890.540	Laundries
890.550	Backwater Valves - Sanitary System and Storm System

SUBPART F: PLUMBING FIXTURES

Section	
890.610	General Requirements - Material and Design
890.620	Overflows
890.630	Installation
890.640	Prohibited Fixtures
EMERGENCY	
890.650	Water Closets
EMERGENCY	
890.660	Urinals
890.670	Strainers and Fixture Outlets
890.680	Lavatories
890.690	Shower Receptors and Compartments
890.700	Sinks
890.710	Food Waste Disposal Units
890.720	Drinking Fountains
890.730	Floor Drains
890.740	Kidney Dialysis Machines
890.750	Whirlpool Bathtubs
890.760	Pressure Type Water Treatment Units
890.770	Dishwashing Machines
890.780	Garbage Can Washers
890.790	Laundry Trays and Drains
890.800	Special Fixtures and/or Items Designed for a Particular Purpose
890.810	Minimum Number of Plumbing Fixtures

SUBPART G: HANGERS, ANCHORS AND SUPPORTS

Section	
890.910	Hangers, Anchors and Supports
890.920	Vertical Piping
890.930	Horizontal Piping

SUBPART H: INDIRECT WASTE PIPING, SPECIAL WASTE

Section	
890.1010	Indirect Waste Piping
890.1020	Material and Size
890.1030	Length and Grade
890.1040	Air Gaps
890.1050	Receptors

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

890.1060 Special Wastes and Chemical Wastes

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section

890.1110 Quality of Water Supply

890.1120 Color Code

890.1130 Protection of Potable Water

EMERGENCY

890.1140 Special Applications and Installations

EMERGENCY

890.1150 Water Service Pipe Installation

890.1160 Potable Water Pumping and Storage Equipment

890.1170 Potable Water Supply Tanks and Auxiliary Pressure Tanks

890.1180 Flushing/Disinfection of Potable Water System

890.1190 Water Supply Control Valves and Meter

890.1200 Water Service Sizing

890.1210 Design of a Building Water Distribution System

890.1220 Hot Water Supply and Distribution

890.1230 Safety Devices

890.1240 Miscellaneous

SUBPART J: DRAINAGE SYSTEM

Section

890.1310 Materials

890.1320 Drainage System Installation

890.1330 Drainage Fixture Units (D.F.U.)

890.1340 Determination of Sizes for Drainage System

890.1350 Offsets in Drainage Piping

890.1360 Sanitary Wastes Below Sewer

890.1370 Floor Drains

890.1380 Storm Water Drainage Within a Building

SUBPART K: VENTS AND VENTING

Section

890.1410 Materials

890.1420 Stack Vents, Vent Stacks, Main Vents

890.1430 Vent Terminals

890.1440 Vent Terminal Size

890.1450 Vent Grades and Connections

890.1460 Fixtures Back-to-Back

890.1470 Fixture Trap Vents

890.1480 Types of Fixture Trap Vents

890.1490 Installation of Vents for Fixture Traps

890.1500 Installation of Wet Venting

890.1510 Stack Venting

890.1520 Circuit and Loop Venting

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

890.1530 Pneumatic Ejectors

890.1540 Relief Vents

890.1550 Offsets at an Angle Less than 45 Degrees from the Horizontal in Buildings of Five or More Stories

890.1560 Main Vents to Connect at Base

890.1570 Vent Headers

890.1580 Size and Length of Vents

890.1590 Combination Waste and Vent (Floor and Hub Drains Only)

890.1600 Special Venting for Island Fixtures

SUBPART L: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

Section

890.1710 General Requirements

890.1720 Water Closets

890.1730 Urinals

890.1740 Combination Lavatory/Toilet

890.1750 Service Sinks/Lavatory

890.1760 Sinks

890.1770 Cabinet Showers

890.1780 Flush Valves

890.1790 Soap Dishes

890.1800 Floor Drains

SUBPART M: INSPECTIONS, TESTS, MAINTENANCE, AND ADMINISTRATION

Section

890.1910 Inspections

890.1920 Testing of Plumbing Systems

890.1930 Test Methods

890.1940 General Administration

890.1950 Violations

APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards

TABLE A Approved Building Drainage/Vent Pipe

EMERGENCY

Approved Materials for Building Sewer

Approved Materials for Water Service Pipe

Approved Materials for Water Distribution Pipe

Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings

Approved Standards for Plumbing Appliances/Appurtenances/Devices

Approved Standards for Fittings

TABLE B Minimum Number of Plumbing Fixtures

TABLE C Minimum Air Gaps for Plumbing Fixtures

TABLE D Minimum Water Distribution Pipe Size

TABLE E Drainage Fixture Units (D.F.U.) Per Fixture Group

TABLE F Fixtures Not Listed in Table E

DEPARTMENT OF PUBLIC HEALTH

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TABLE G Building Drains

TABLE H Horizontal Fixture Branches and Stacks

TABLE I Allowed Distance from Fixture Trap to Vent

TABLE J Size of Vent Stacks

TABLE K Size and Length of Vents

TABLE L Horizontal Circuit and Loop Vent Sizing Table

TABLE M Load Values Assigned to Fixtures

EMERGENCY

TABLE N Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks

EMERGENCY

TABLE O Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flushometer

EMERGENCY

TABLE P Demand at Individual Water Outlets

TABLE Q Allowance in Equivalent Length of Pipe for Friction Loss in Valves and Fittings

APPENDIX B Illustrations for Subpart A

ILLUSTRATION A Air Gap Drawing #1

ILLUSTRATION B Air Gap Drawing #2

ILLUSTRATION C Battery of Fixtures

ILLUSTRATION D Branch

ILLUSTRATION E Branch Vent

ILLUSTRATION F Building Drain

ILLUSTRATION G Building Sub-drain

ILLUSTRATION H Circuit Vent

ILLUSTRATION I Common Vent

ILLUSTRATION J Continuous Vent

ILLUSTRATION K Dead End

ILLUSTRATION L Drain

ILLUSTRATION M Fixture Drain

ILLUSTRATION N Flush Valve

ILLUSTRATION O Grade

ILLUSTRATION P Horizontal Branch

ILLUSTRATION Q Main Vent

ILLUSTRATION R Quarter Bend

ILLUSTRATION S Relief Vent

ILLUSTRATION T Return Offset

ILLUSTRATION U Revent Pipe

ILLUSTRATION V Stack Vent

ILLUSTRATION W Trap

ILLUSTRATION X Vent Stack

ILLUSTRATION Y Wet Vent

ILLUSTRATION Z Yoke Vent

ILLUSTRATION AA Sleeves

APPENDIX C Illustrations for Subpart C

ILLUSTRATION A Caulked Joints

ILLUSTRATION B Flared Joints

ILLUSTRATION C Positions of Application for Compression Type Joints

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

APPENDIX D Illustrations for Subpart D

ILLUSTRATION A Fixture Traps

ILLUSTRATION B Distance of Trap to Fixture

ILLUSTRATION C Types of Traps

ILLUSTRATION D Trap Cleanouts

ILLUSTRATION E Prohibited Traps

ILLUSTRATION F Underground Drainage

ILLUSTRATION G Concealed Piping

ILLUSTRATION H Cleanout Clearance

APPENDIX E Illustrations for Subpart E

ILLUSTRATION A Grease Interceptor

ILLUSTRATION B Typical Grease Interceptor/Catch Basin

ILLUSTRATION C Interceptor/Separator Vents

ILLUSTRATION D Interceptors for Bottling Plants

ILLUSTRATION E Laundry Interceptors

ILLUSTRATION F Backwater Valve Location

APPENDIX F Illustrations for Subpart F

ILLUSTRATION A Prohibited Fixtures

ILLUSTRATION B Circular Wash Sinks

ILLUSTRATION C Commercial Type Grinder #1

ILLUSTRATION D Commercial Type Grinder #2

ILLUSTRATION E Protective Guard

ILLUSTRATION F Trap and Strainer

APPENDIX G Illustrations for Subpart G

ILLUSTRATION A Cast Iron Soil Pipe Support #1

ILLUSTRATION B Cast Iron Soil Pipe Support #2

ILLUSTRATION C Horizontal Piping Support

ILLUSTRATION D Cast Iron Soil Stack Support

APPENDIX H Illustrations for Subpart H

ILLUSTRATION A Indirect Waste Piping #1

ILLUSTRATION B Indirect Waste Piping #2

ILLUSTRATION C Indirect Waste Piping #3

ILLUSTRATION D Indirect Waste Piping #4

ILLUSTRATION E Indirect Waste Connection

ILLUSTRATION F Air Gaps

APPENDIX I Illustrations for Subpart I

ILLUSTRATION A Cross Connection #1

ILLUSTRATION B Cross Connection #2

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AUTHORITY: Implementing and authorized by Section 35 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1991, ch. 111, par. 11133) [225 ILCS 320/35].

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NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 890.640 Prohibited Fixtures
EMERGENCY

- a) Drinking fountains shall not be installed in public toilet rooms.
- b) Fixed wooden, concrete, cement or tile wash trays or sinks shall not be installed in any restaurant or commercial food establishment.
- c) Sheet lining shall not be added to any existing bath tub in a building designed or used for human habitation; however, bathtub liners/inserts manufactured to be an exact fit over existing bathtubs or custom fabricated according to the dimensions of an existing bathtub may be installed provided they have a slip resistant floor (bottom) surface and are manufactured/fabricated from high impact plexiglass/ABS or acrylic/plastic material complying with ANSI Z124.8-1990 or from porcelain enameled formed steel complying with ASME/ANSI All2.19.4M-1984.

(Source: Emergency amendment at 18 Ill. Reg. 14444, effective SEP 01 1994, for a maximum of 150 days)

Section 890.650 Water Closets
EMERGENCY

- a) Public Use.
 - 1) Water closet bowls for public use shall be the elongated type and the seat shall be an antimicrobial plastic open-front seat.
Exception: Water closet bowls for public use may have closed front seats provided the seat is encased with a continuous plastic sleeve capable of providing a clean surface for every user.
 - 2) The activating handle, button or mechanism of the flush valve shall be at least 22 inches above the overflow rim of the bowl.
Exception: The activating handle, button or mechanism for water

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closets installed to meet the "Illinois Accessibility Code" shall be at least ten (10) inches above the overflow rim of the bowl.

- 3) Fixtures for the physically disabled shall comply with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).

- 4) In schools that are not licensed by the Illinois Department of Children and Family Services as day care centers or homes, water closets provided for the use of children under five (5) years of age shall be of size and height suitable for children's use, either child or juvenile type in accordance with ASME/ANSI A112.19.2M-1990.

- 5) Water closets designed for institutional use may be used in intensive care facilities and intensive coronary care facilities provided the water closet swings only horizontally and has an integral trap. A water closet flushometer shall be used to flush the fixture. The plans and specifications shall be submitted to the Department for approval prior to installation, and such approval shall be in writing from the Department provided the above requirements are met.

- b) Water Closet Tanks. Water closet tanks shall have a volume sufficient to properly flush the water closet bowls with which they are connected.

- c) Ball cocks. Ball cocks for flush tanks shall be of the anti-siphon type, properly installed, and have a provision for trap refill.

- d) Flushing Device. The flush valve seat in all water closet tanks shall be one (1) inch or more above the flood level rim of the water closet bowl, with the exception of one-piece water closets in accordance with ASME/ANSI A.112.19.2M-1990.

- e) Flushometer Valve. Flushometer valves shall comply with ANSI/ASSE 1037-1990. Flushometer valves shall be installed so that they are readily accessible for repair. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing completely under the service pressure. At each operation the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush valve flow. Protection against backflow shall be provided by an approved vacuum breaker installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least four (4) inches above the overflow rim of the bowl (See Section 890.1140(a) and (b)). Not more than one water closet shall be served by a single flushometer valve.

- f) Seats. Water closets shall be equipped with seats of smooth non-absorbent material. All seats of water closets provided for public use shall be an antimicrobial plastic material and an open-front style, except closed-front seats may be provided if the seat is encased with a continuous plastic sleeve ensuring a clean surface for every user. No water closet seat shall be more than one and one-half (1 1/2) inches thick. Exception: Facilities for the

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physically disabled shall comply with the "Illinois Accessibility Code."

- g) A flushometer tank (or pressurized flushometer valve in accordance with ANSI/ASSE 1037-1990) shall be used only with a water closet bowl specifically designed for that type tank/flushing device (i.e., in accordance with ASME/ANSI A112.19.2M-1990) and where the flow pressure at the fixture meets the manufacturer's minimum recommendations.

- h) Water closets which rely on substances other than water for proper operation shall comply with requirements of the "Private Sewage Disposal Code" (77 Ill. Adm. Code 905). Privies and chemical toilets shall not be used inside any building.

- i) Bidet. A bidet shall be equipped with hot and cold water. An atmospheric vacuum breaker shall be installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least four (4) inches above the overflow rim of the bidet.

- j) Prohibited Water Closets. Hopper-style water closets and water closets with concealed couplings or submerged side inlets are prohibited. (See Appendix F: Illustration A.)

(Source: Emergency amendment at 18 Ill. Reg. 14444, effective SEP 01 1994, for a maximum of 150 days)

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section 890.1130 Protection of Potable Water

- a) Cross Connection (Submergence). Potable water supply piping and water discharge outlets shall not be submerged in any sewage or toxic substance. Where potable water supply piping or water discharge outlets are submerged in other substances, they shall be provided with backflow protection as listed in Section 890.1140(f). (See Appendix I: Illustrations A, B and C.)

- b) Approval of Devices and Maintenance. All devices for the prevention of backflow or back siphonage shall comply with the standard listed in Appendix A, Table A, "Approved Standards for Plumbing Appliances/Appurtenances/Devices." Each double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, and reduced pressure principle backflow preventer assembly (RPZ) shall be tested in-line and approved by a cross-connection control device inspector before being placed into service. Such backflow preventers (DCVs, double check backflow preventer with intermediate atmospheric vent assemblies, and RPZs) installed in a potable water supply system shall be tested and maintained at least annually by a cross-connection control device inspector, and records to verify testing and maintenance shall be available at the site of the installation of the device or at other approved locations. (See Section 890.1130(g)(5).) Backflow. The water distribution system shall be protected against

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back siphonage and backflow. Each water outlet shall be protected from back siphonage and/or backflow by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a minimum fixed air gap. Where it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an accessible backflow prevention device (e.g., a vacuum breaker or backflow preventer) complying with applicable standards.

d) Fire Safety Systems. The installation of any fire safety system involving the potable water supply system shall be protected against backflow as follows:

1) A fire safety system that does not have chemical additives or a method of supplying chemical additives to the system, does not have any non-potable connection, does not have a fire department hose (siamese) connection, and has less than five (5) sprinkler heads shall be separated from the potable water supply system by a double check valve backflow preventer assembly.

2) A double detector check valve backflow preventer assembly shall be installed at the fire safety system's point of connection to the potable water supply when:

A) A fire safety system has no chemical additives, non-potable connection or fire department hose connection (but has five (5) or more sprinkler heads); or

B) A fire safety system has no chemical additives or non-potable connection, but has one (1) or more fire department hose connections (for boosting pressure and flow to the fire safety system) which are served only by fire fighting apparatus connected to a public water supply or a fire department which does not use chemical additives or rely upon any non-potable water supply.

3) A fixed air gap with a break tank or other storage vessel or a reduced pressure principle backflow preventer assembly (RP2) shall be installed at the fire safety system's point of connection to the potable water supply when:

A) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RP2 may be located at the point of connection to that section of the system containing such additives when the system's connection to the water supply is protected by a double detector check valve backflow preventer assembly); or

B) Non-potable water flows into the fire safety system by gravity; or

C) There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source; or

D) Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. (A non-potable source of water shall be considered

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capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.)

e) Prohibited Connections.

1) Sewage Lines. There shall be no direct connection between potable water lines and lines, equipment and vessels containing sewage. Such connections shall be made only through a minimum fixed air gap as outlined in Section 890.1140(a).

2) Chemical or Petroleum Pressure Vessels. There shall be no direct connection between any potable water supply and any pressure vessel, i.e., storage tank, tank car, tank truck or trailer or other miscellaneous pressurized tank or cylinder containing or having contained liquified gaseous petroleum products or other liquified gaseous chemicals. Where it is necessary to discharge from a potable water line to such a vessel, such discharge shall be through a minimum fixed air gap as outlined in Section 890.1140(a). Exception: Chemical pressure vessels containing chemicals used in the water treatment process, for uses other than private purposes, are exempt from the provisions of this subsection.

3) If water under pressure is required, as in subsections (e)(1) and (2) of this Section, it shall be supplied by means of an auxiliary pump taking suction from a tank provided for this purpose only with an overrim supply having the required minimum fixed air gap.

4) Refrigerant Condensers. A potable water line to a single wall refrigerant condenser shall be provided with a backflow preventer complying with ASSE. 1012 or 1013.

5) No pipe or fitting of the water supply system shall be drilled or tapped nor shall any band or saddle be used except at the water main in the street. Exception: See Section 890.320(h) for potable water use only.

f) Devices for the Protection of the Potable Water Supply. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment that may have a submerged potable water supply outlet and that are not protected by a minimum fixed air gap. Connection to the potable water supply system for the following fixtures or equipment shall be protected against backflow with one of the appropriate devices as indicated below:

1) Inlet to receptacles containing non-toxic substances (steam, compressed air, food, beverages, etc.):

A) fixed air gap fitting;

B) reduced pressure principle backflow preventer assembly;

C) atmospheric vacuum breaker unit;

D) double check valve backflow preventer assembly; or

E) double check backflow preventer with atmospheric vent assembly.

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- 2) Inlet to receptacles containing toxic substances of low or moderate toxicity (vats, storage containers, plumbing fixtures, etc.):
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly; or
 - C) atmospheric vacuum breaker unit.
- 3) Outlets with hose attachments which may constitute a cross connection:
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly; or
 - C) atmospheric vacuum breaker unit.
- 4) Coils or jackets used as heat exchangers in compressors, degreasers, and other such equipment involving toxic substances:
 - A) fixed air gap fitting; or
 - B) reduced pressure principle backflow preventer assembly.
- 5) Direct connections which are subject to back pressure:
 - A) Receptacles containing non-toxic substances (vats, storage containers, plumbing fixtures, etc.):
 - i) fixed air gap fitting;
 - ii) reduced pressure principle backflow preventer assembly;
 - iii) double check valve backflow preventer assembly; or
 - iv) double check backflow preventer with atmospheric vent assembly.
 - B) Receptacles containing toxic substances of low or moderate toxicity (vats, storage containers, etc.):
 - i) fixed air gap fitting; or
 - ii) a reduced pressure principle backflow preventer assembly.

- 6) Inlet to or direct connection with sewage or lethal substances of high toxicity: fixed air gap fitting.

9) Installation of Devices.

- 1) Devices of All Types. Backflow preventers and back siphonage-preventing devices shall be installed so as to allow accessibility, observation, maintenance and replacement services. No backflow preventer assembly shall be installed where it would be subject to freezing conditions.
- 2) All in-line backflow/back siphonage preventers shall have a full port type valve with a resilient seated shut-off valve on each side of the preventer and located within five (5) feet of the preventer.
- 3) A protective strainer shall be located upstream of the first check valve on all backflow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from the strainer requirement.
- 4) Atmospheric Vacuum Breakers. Vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve of the fixture. No shut-off valve or faucet shall be installed

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- beyond the vacuum breaker. (See Section 890.1140(a), (b) and (c).)
- 5) Double Check Valve, Double Check with Intermediate Atmospheric Vent, and Reduced Pressure Principle Backflow Preventer Assemblies. No in-line double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, or reduced pressure principle backflow preventer assembly (RPZ) shall be located more than five (5) feet above a floor, or be installed where it is subject to freezing or flooding conditions. After installation, each double check valve (DCV), double check with intermediate atmospheric vent, and reduced pressure principle (RPZ) backflow preventer assembly shall be field tested in-line in accordance with the manufacturer's instructions by a cross-connection control device inspector before initial operation. (See subsection (b) of this Section.)
- 6) Closed water systems (as created by properly installed backflow prevention devices) shall have a properly sized thermal expansion tank located in the cold water supply as near to the water heater as possible and with no shut-off valve or other device between the heater and the expansion tank. Exception: In existing buildings with a closed water system, a properly sized relief valve may be substituted in place of a thermal expansion tank. For closed water systems created by backflow protection in manufactured housing, as required in Section 890.1140(i), a ballcock with a relief valve may be substituted for the thermal expansion tank.

(Source: Emergency amendment at 18 Ill. Reg. **14444**, effective **SEP 01 1994**, for a maximum of 150 days)

Section 890.1140 Special Applications and Installations EMERGENCY

- a) An atmospheric vacuum breaker shall be installed between the control valve and the fixture and in such a manner that it will not be subject to water pressure, except the pressure incidental to water flowing to the fixture. An atmospheric vacuum breaker shall be installed on the outlet side of the control valve.
- b) Flushometer Valve. Flush valves shall be equipped with vacuum breakers installed on the discharge side of the flushing valve with the critical level at least four (4) inches above the overflow rim of the bowl or four (4) inches above the top of the urinal. (See Appendix I: Illustration D.)
- c) Flushing Tanks. Flushing tanks shall be equipped with anti-siphon ball cocks. The ball cock shall be installed with the critical level of the vacuum breaker at least one (1) inch above the full opening of the overflow pipe. In cases where the ball cock has no hush tube, the bottom of the water supply inlet shall be installed one (1) inch above

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the top of the overflow pipe. (See Section 890.650(d).)

- d) Lawn Sprinklers. Any lawn sprinkler system connected to a potable water supply shall be equipped with a reduced pressure principle backflow preventer assembly (RPZ). The RPZ may be located outside provided it conforms with Section 890.1130(g)(1).

e) Valve Outlets for Hose Attachments.

- 1) All threaded valve outlets shall have backflow protection in accordance with Section 890.1130. All outside threaded valve outlets shall not be subject to freezing.

2) Yard hydrants shall be installed as follows:

A) Potable Water

- i) All hydrants with threaded spigots shall have backflow protection attached to the hydrant spigot (if threaded); and

ii) Hydrants with buried drain down (weep) holes shall have the drain down (weep) holes protected from ground water backup by proper open site drainage.

A backflow preventer shall not be used on the buried drain down (weep) hole to protect the hydrant from ground water backup.

B) Non-potable Water

One or more hydrants may be installed for non-potable use if they are isolated from the potable water supply by a properly installed backflow preventer device. The hydrants must be clearly identified as non-potable by color (see Section 890.1120) and bear a sign that reads as follows:

"This water unsafe for drinking."

- f) Commercial Laundry Machines. The potable water supply to commercial laundry machine(s) shall be protected against back siphonage by an air gap or backflow protection device. If a vacuum breaker is used, it shall be a minimum of 26 inches above the top of the machine.

g) Commercial Dishwashers. Commercial dishwashers shall be equipped with an approved vacuum breaker located in the rinse water supply line on the discharge side of the final control valve, a minimum distance of six (6) inches above the uppermost spray outlets. The cold water or make-up water supply line shall be provided with an air gap or a vacuum breaker located on the discharge side of the final control valve, a minimum distance of six (6) inches above the overflow level or flood rim.

- h) Aspirators. Water operated aspirators shall meet the following specifications:

1) The water supply line shall be equipped with a shut-off valve.

A) In operating rooms, emergency rooms, recovery rooms, delivery rooms, autopsy rooms, dental offices and laboratories where aspirators are installed for removing blood, pus and/or other fluids, a vacuum breaker shall be installed on the discharge side of the control valve, at ceiling height (a minimum of seven (7) feet, six (6) inches); or a reduced pressure principle backflow preventer

assembly shall be used.

- B) Water operated aspirators used for dispensing detergent shall be protected against backflow and back siphonage by an atmospheric vacuum breaker or a reduced pressure principle backflow preventer assembly.

2) The aspirator water discharge shall be provided with a two (2) inch air gap to the receiving fixture.

- i) Manufactured Housing and Mobile Home Units Manufactured Prior to June 15, 1976. At the time of water service connection, backflow protection must be installed between the water service line and any manufactured housing or mobile home unit which ~~does not conform to the requirements of this Part~~ was manufactured prior to June 15, 1976. Backflow protection shall be provided by at least a dual check valve backflow preventer assembly (DuC) conforming to ANSI/ASSE 1024-1990. This backflow protection must be installed in all instances where a unit manufactured prior to June 15, 1976 is connected or re-connected to a water service line, e.g., for connection of a ~~new unit~~ ~~connection of~~ a relocated unit or re-connection of a unit that was disconnected to allow repairs to the water line; however, backflow protection is not required for existing units unless a new connection or re-connection to the water service line occurs.

(Source: Emergency amendment at 18 Ill. Reg. ~~14444~~, effective SEP 01 1994, for a maximum of 150 days)

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Section 890.APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards

Section 890.TABLE A Approved Building Drainage/Vent Pipe EMERGENCY

- 1) Acrylonitrile Butadiene Styrene (ABS) Pipe
ASTM D 2661-1987
ASTM F 628-1988
ASTM D 2235-1988
ASTM D 2235-1988
ASTM B 43-1988
ASTM A 74-1987
ASTM A 888-1991
ASTM C 564-1988
CISPI 301-1990
ASTM B 42-1988
ASTM B 302-1988
ASTM B 75-1986
ASTM B 88-1988
ASTM B 251-1988
ASTM B 306-1988
ASTM A 53-1988
ASTM A 120-1984
ASTM C 1053-1985
ASTM A 377-1984
ASTM F 492-1985
ASTM D 1784-1990
ASTM D 2665-1988
ASTM D 2949-1987
ASTM F 891-1990
ASTM D 2855-1983
ASTM F 656-1988
ASTM D 2564-1988
ASTM D 3222-1988
ASTM B 32-1989
- 2) Joints
Solvent Cement(1)
- 3) Brass Pipe
- 4) Cast Iron Pipe
- 5) Copper/Copper Alloy Pipe
- 6) Copper/Copper Alloy Tubing
(K-L-M or DWV)(2)
- 7) Galvanized Steel Pipe(2)
- 8) Glass Fiber Borosilicate Pipe(3)
- 9) High Silicon Content Cast Iron Pipe(3)
- 10) Polypropylene Pipe (3)
- 11) Polyvinyl Chloride (PVC) Clear Pipe(3)
- 12) Polyvinyl Chloride (PVC) Pipe and Fittings
- 13) Polyvinyl Chloride (PVC) Pipe with Cellular Core(4)
- 14) Joints
Primer
Solvent Cement(1)
Polyvinylidene Fluoride (3)
Solder

Agency Notes:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.
- (2) Type M copper tubing, DWV copper tubing, and galvanized steel pipe are approved for above-ground uses only.
- (3) Approved for corrosive waste or corrosive soil conditions.
- (4) PVC pipe with cellular core is approved only for gravity drainage and venting. It is not approved for pressurized drain, waste or venting applications.

Section 890.TABLE A Approved Materials for Building Sewer

- 1) Acrylonitrile Butadiene Styrene (ABS) Pipe
ASTM D 2661-1987

Joints

- 2) Solvent Cement(1)
- 3) Asbestos Cement Pipe
- 4) Bituminized Fiber Pipe
- 5) Cast Iron Soil Pipe/Fittings
- 6) Hubless Soil Pipe
- 7) Rubber Gaskets
- 8) Copper/Copper Alloy Tubing
- 9) Concrete Pipe
- 10) Polyvinyl Chloride (PVC) Pipe
- 11) Joints
Primer
Solvent Cement(1)
- 12) Vitirified Clay Pipe Pressurized by a Pump or
Ejector is Prohibited
- 13) Solder

Agency Note:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.

Section 890.TABLE A Approved Materials for Water Service Pipe

- 1) Acrylonitrile Butadiene Styrene (ABS) Pipe
ASTM D 1527-1988
ASTM D 2282-1988
ASTM D 2235-1988
ASTM D 2235-1988
ASTM B 43-1988
ASTM A 377-1984
- 2) Joints
Solvent Cement(1)
- 3) Brass Pipe
- 4) Cast Iron (ductile iron)
Water Pipe
- 5) Chlorinated Polyvinyl Chloride (CPVC) Pipe
ASTM D 2846-1988
ASTM F 441-1988
ASTM F 442-1988
ASTM D 2846-1988
ASTM F 493-1988
ASTM B 42-1988
ASTM B 302-1988
ASTM B 88-1988
ASTM A 53-1988
ASTM A 120-1984
ASTM D 2662-1988
ASTM D 2666-1988
- 6) Solvent Cement (Orange)(1)
- 7) Copper/Copper Alloy Pipe
- 8) Copper/Copper Alloy Tubing
- 9) Galvanized Steel Pipe
- 10) Poly Butylene (PB) Pipe/Tubing

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- 9) Polyethylene (PE) Pipe
 10) Polyethylene (PE) Tubing
 11) Polyvinyl Chloride (PVC) Pipe
 Joints
 Primer
 Solvent Cement(1)
 12) Welded Copper Water Tube
 13) Solder
 ASTM D 3309-1988
 ASTM D 2239-1988
 ASTM D 2737-1988
 ASTM D 1785-1988
 ASTM D 2241-1988
 ASTM D 2672-1988
 ASTM D 2855-1983
 ASTM F 656-1988
 ASTM D 2564-1988
 ASTM B 447 WK,
 WL, and WM-1989
 ASTM B 32-1989

Agency Note:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.

Section 890. TABLE A Approved Materials for Water Distribution Pipe

- 1) Brass Pipe
 2) Chlorinated Polyvinyl Chloride
 (CPVC) Pipe/Tubing
 Joints
 Solvent Cement (Orange)(1)
 3) Copper/Copper Alloy Pipe
 4) Copper/Copper Alloy Tubing
 5) Cross Linked Polyethylene(2)
 6) Galvanized Steel Pipe
 7) Poly Butylene (PB) Pipe/Tubing
 8) Welded Copper Water Tube
 9) Solder
 ASTM B 43-1988
 ASTM D 2846-1988
 ASTM F 441-1988
 ASTM F 442-1988
 ASTM D 2846-1988
 ASTM F 493-1988
 ASTM B 42-1988
 ASTM B 302-1988
 ASTM B 88-1988
 ASTM F 876-1990
 ASTM F 877-1989
 ASTM A 53-1988
 ASTM A 120-1984
 ASTM D 3309-1988
 ASTM B 447 WK,
 WL, and WM-1989
 ASTM B 32-1989

Agency Notes:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.
 (2) Cross Linked Polyethylene is approved only for above-ground use.

Section 890. TABLE A Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings

- 1) Bathtub Liners (plexiglass/ABS
 or acrylic/plastic)
 2) Bathtubs, Plastic
 ANSI Z124.8-1990
 ANSI Z124.1-1-1987 and
 ANSI Z124.1a & b-1990

- 3) Bidets
 24) Enameled Cast Iron Plumbing Fixtures
 35) Fittings:
 Plumbing Fixture Fittings
 (metering valves, faucets, etc.)
 Suction Fittings for Use in
 Swimming Pools, Wading
 Pools, Spas, Hot Tubs and
 Whirlpool Bathtub Appliances
 46) Floor Drains
 57) Flushometer Bowls
 Flushometers
 68) Grease Interceptors
 79) Low Consumption (1.6 gpf) Water Closets(1)
 87 Plastic-Bathtubs
 910) Plastic Lavatory
 1011) Plastic Shower Receptors/Shower Stalls
 1112) Plastic Water Closets Bowls/Tanks
 1213) Porcelain Enameled Formed Steel
 Plumbing Fixtures, including
 Bathtub Liners
 1314) Stainless Steel Plumbing Fixtures
 (Residential)
 1415) Vitreous China Plumbing Fixtures
 1516) Whirlpool Bathtub Appliances
 Agency Notes:
 The water pressure at each fixture installation shall meet the manufacturer's
 minimum recommended level for the fixture.
 (1) Low consumption (1.6 gpf) water closets are ONLY APPROVED FOR SINGLE
 FAMILY RESIDENTIAL USE.
 ASME/ANSI A112.19.2M-1990
 ASME/ANSI A112.19.1M-1987
 ASME/ANSI A112.18.1M-1989
 ASME/ANSI A112.19.8M-1987
 ANSI A112.21.1M-1980(R1990)
 ASME/ANSI A112.19.2M-1990
 ANSI/ASSE 1037-1990
 PDI (GI01) 1985
 ASME/ANSI A112.19.2M-1990
 ANSI-8124.1-1-1987-and
 ANSI-8124.1a-and-b-1-1990
 ANSI Z124.3a-1990
 ANSI Z124.2a-1990
 ANSI Z124.4-1986 and ANSI
 Z124.4a-1990
 ASME/ANSI A112.19.4M-1984
 ASME/ANSI A112.19.3M-1987
 ASME/ANSI A112.19.2M-1990
 ASME/ANSI A112.19.7M-1987

Agency Notes:
 The water pressure at each fixture installation shall meet the manufacturer's
 minimum recommended level for the fixture.
 (1) Low consumption (1.6 gpf) water closets are ONLY APPROVED FOR SINGLE
 FAMILY RESIDENTIAL USE.

Section 890. TABLE A Approved Standards for Plumbing Appliances/Appurtenances/Devices

- 1) Anti-Backflow Freezeless Wall Hydrants
 2) Anti-Scald Control Valve
 3) Anti-siphon Self Drawing Frost
 Proof Sillcock
 4) Automatic Ice Making Equipment
 5) Automatic Storage Type Water Heater
 Less Than 75,000 BTU/HR
 6) Back Water Valves
 ANSI/ASSE 1019-1978
 ANSI/ASSE 1016-1990
 ANSI/ASSE 1019-1978
 NSF Std. #12-1987
 ASHRAE 90A-1980/
 ANSI Z21.10.1a-1991
 ASME/ANSI A112.14.1-1986

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NOTICE OF EMERGENCY AMENDMENTS

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- 7) Circulating Tank, Instantaneous
 8) Circulating Tank, Instantaneous, Automatic
 9) Detergent/Chemical Feeders for Commercial Use
 10) Dishwashing Machine (Commercial)
 11) Dishwashing Machine (Residential)
 12) Diverters for Residential-Anti-Siphon
 13) Double Check Detector Assembly
 14) Double Check With Atmospheric Vent
 15) Double Check Valve Assembly
 16) Drinking Fountains
 17) Drinking Water Treatment Units-Health Effects
 18) Drinking Water Treatment Units-Aesthetic Effects
 19) Drinking Water Treatment Chemicals
 20) Dual Check Valve
 21) Dual Check Valve (Carbonated Beverage) (Relief Port Required)
 22) Food Waste Disposal (Commercial)
 23) Food Waste Disposal (Residential)
 24) Gas Water Heater Above 75,000 BTU
 25) Gas Water Heater 75,000 BTU or Less
 26) Gas Water Heater (Continuous Use)
 27) Gas Water Heater - Space Heating
 28) Grease Interceptors
 29) Handheld Showers
 30) Home Laundry Equipment
 31) Hot Water Dispensers-Electrical
 32) Hot Water Generating/Heat Recovery Equipment
 33) Ice Makers
 34) Mixing Valves
 Individual Thermostatic Pressure Balancing and Combination Control Valves
 Temperature Actuated Mixing Valves, Domestic Use
 35) Oil Fired Water Heaters
 36) Pressure Relief Valve
 37) Pressurized Flushing Device
 38) Reduced Pressure Detector Assembly
 39) Reduced Pressure Principle Backflow Preventer
 40) Refuse Compactors/Compactor System
 41) Relief Valves For Hot Water System
 42) Reverse Osmosis Drinking Water Treatment System
- ANSI Z21.10.1a-1991/UL 499
 ANSI Z21.10.3a-1990/UL 174-1977
 NSF Std. #29-1987
 ANSI/ASSE 1004-1990
 ANSI/ASSE 1006-1986
 ASME 1025-1978
 ANSI/ASSE 1048-1990
 ASSE 1012-1978
 ASSE 1015-1988
 ARI 1010-1985 or
 ANSI A112.19.2M-1990
 NSF Std. #53-1982
 NSF Std. #42-1982
 NSF Std. #60-1986
 ANSI/ASSE 1024-1990
 ASSE 1032-1980
 ANSI/ASSE 1009-1990
 ASSE 1008-1986
 ANSI Z21.10.3a-1990/AGA
 ANSI Z21.10.1a-1991/AGA
 ANSI Z21.10.1a-1991
 ANSI Z21.10.1a-1991
 PDI-G 101-1985
 ASSE 1014-1990
 ASSE 1007-1986
 ANSI/ASSE 1023-1979
 NSF Std. #5-1983
 UL 563-1975
 ANSI/ASSE 1016-1990
 ASSE 1017-1986
 UL 732-1975/ASSE 1975
 ANSI Z21.22-1986
 ANSI/ASSE 1037-1990
 ANSI/ASSE 1047-1990
 ASSE 1013-1988
 NSF Std. #13-1987
 ANSI Z21.22-1986
 NSF Std. #58-1986

- 43) Spray Type Dishwashing Machine for Commercial Use
 44) Trap Seal Primer Valve
 45) Vacuum Breakers, Anti-siphon
 46) Vacuum Breakers Hose Connection
 47) Vacuum Breaker (Laboratory Faucet)
 48) Vacuum Breakers Pressure Type
 49) Vacuum Relief Valve
 50) Vending Machine for Food/Beverage
 51) Water Closet Tank Ball Cock
 52) Water Hammer Arresters
 53) Water Heater Drain Valve
 54) Water Pressure Reducing Valves (Domestic)
- NSF Std. #3-1989
 ASSE 1018-1986
 ANSI/ASSE 1001-1990
 ANSI/ASSE 1011-1982
 ANSI/ASSE 1035-1984
 ASSE 1020-1989
 ANSI Z21.22-1986
 NSF Std. #25-1987
 ASSE 1002-1986
 ASSE 1010-1982
 ASSE 1005-1986
 ANSI/ASSE 1003-1982
- Section 890. TABLE A Approved Standards for Fittings**
- 1) Cast Iron Threaded Drainage Fittings
 2) Cast Copper Alloy Solder Pressure Fittings
 3) Cast Copper Alloy Solder Drainage Fitting (DWV)
 4) Copper Fittings
 5) Forged Steel Fittings, Socket, Welded, Threaded
 6) Gray Iron/Ductile Iron
 7) Malleable Iron
 8) Plastic
 9) Plumbing Fixture Fittings (Metering valves, faucets, etc.)
 10) Steel
 11) Wrought Copper/Bronze Solder Pressure Fitting
 12) Wrought Copper and Wrought Copper Alloy Solder [Drainage Fittings]
- ASME/ANSI B16.12-1991
 ANSI B16.18-1984
 ANSI B16.23-1984
 ASME B16.15-1985
 ANSI B16.18-1984
 ASME/ANSI B16.22-1989
 ANSI B16.23-1984
 ASME/ANSI B16.26-1988
 ASME/ANSI B16.29-1986
 ASME/ANSI B16.32-1984
 ASME/ANSI B16.11-1991
 AWWA C 110-1987
 AWWA C 151-1986
 ASME/ANSI B 16.3-1985
 ASTM D 2466-1988
 ASTM D 2467-1988
 ASTM D 2468-1988
 ASTM D 2564-1988
 ASTM D F409-1988
 ASTM D F438-1988
 ASTM D F439-1988
 ANSI A112.18.1M-1989
 ASME/ANSI B 16.9-1986
 ASME/ANSI B 16.11-1991
 ASME/ANSI B 16.28-1986
 ASME/ANSI B 16.22-1989
 ASME/ANSI B16.29-1986
 ASME/ANSI B16.22-1989

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- 13) Wrought Steel Buttwelding Fittings ASME/ANSI B16.9-1986
 14) Wrought Steel Buttwelding Short Radius Ells ASME/ANSI B16.28-1986

(Source: Emergency amendment at 18 Ill. Reg. **14444**, effective
SEP 01 1994)

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NOTICE OF EMERGENCY AMENDMENTS

Section 890. TABLE M Load Values Assigned to Fixtures

Load Values Assigned to Fixtures

Fixture	Occupancy	Type of Supply Control	Load Values in Water (Supply Fixture Units)		
			Cold	Hot	Total
Water Closet	Public	Flush Valve	10	-	10
Water Closet	Public	Flush Tank	5	-	5
Urinal	Public	1" Flush Valve	10	-	10
Urinal	Public	3/4" Flush Valve	5	-	5
Urinal	Public	Flush Tank	3	-	3
Lavatory	Public	Faucet	1.5	1.5	2
Bathtub	Public	Faucet	3	3	4
Shower Head	Public	Mixing Valve	3	3	4
Service Sink	Offices, etc.	Faucet	2.25	2.25	3
Kitchen Sink	Hotel/Restaur. Office, etc.	Faucet	3	3	4
Drinking Fountain	Private	3/8" Valve	0.25	-	0.25
Water Closet	Private	Flush Valve	6	-	6
Water Closet	Private	Flush Tank	3	-	3
Lavatory	Private	Faucet	0.75	0.75	1
Bathtub	Private	Faucet	1.5	1.5	2
Shower Stall	Private	Mixing Valve	1.5	1.5	2
Kitchen Sink	Private	Faucet	1.5	1.5	2
Laundry Trays (1 to 3)	Private	Faucet	2.25	2.25	3
Combination Fixture	Private	Faucet	2.25	2.25	3
Dishwashing Machine	Private	Automatic	-1	-1	1
Laundry Machine (8 lb)	Private	Automatic	1.5	1.5	2
Laundry Machine (8 lb)	Public/General	Automatic	2.25	2.25	3
Laundry Machine (16 lb)	Public/General	Automatic	3	3	4
Sink-Cock	Public/General	Faucet	5	-	5

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Note: For fixtures not listed, loads shall be assumed by comparing the fixtures to one listed using water in similar quantities and at similar rates. The assigned loads for fixtures with both cold and hot water supplies are given for separate cold and hot water loads and for total load.

Where a unit of local government does not require separate water service lines for irrigation or similar systems that are likely to impose continuous demands (e.g., lawn sprinkler or air conditioning systems), the following rule applies: estimate the continuous demand (in gallons per minute) for such outlets/systems separately from the intermittent demand from the above fixtures, and add this amount to the demand of the fixtures (in gallons per minute). Fire sprinkler systems are exempt from this table.

(Source: Emergency amendment at 18 Ill. Reg. **1444**, effective **SEP 01 1994**, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 890. TABLE N Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks

Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks

W.S.F.U.	Demand (GPM)(1)	Pipe Size (Inches)	Pressure		Velocity (Ft./Sec.)	Meter Size (Inches)
			Loss (PSI/100' of Pipe)			
2	2	1/2"	4.2	2.7	2.7	5/8"
4	3	1/2"	8.7	4.2	4.2	5/8"
6	5	1/2"	22.5	7.0	7.0	5/8"
8	6.5	3/4"	6.3	4.3	4.3	5/8"
10	8	3/4"	9.0	5.4	5.4	3/4"
12	9.2	3/4"	11.5	6.1	6.1	3/4"
14	10.4	3/4"	15.0	6.9	6.9	3/4"
16	11.6	3/4"	18.0	7.7	7.7	3/4"
20	14	1"	7.2	5.6	5.6	3/4"
25	17	1"	10.0	6.6	6.6	3/4"
30	20	1"	13.6	8.0	8.0	1"
35	22.5	1 1/4"	5.8	5.7	5.7	1"
40	25	1 1/4"	7.0	6.3	6.3	1"
45	27	1 1/4"	8.2	6.9	6.9	1"
50	29	1 1/4"	9.5	7.4	7.4	1"
60	32	1 1/2"	5.0	5.8	5.8	1 1/2"
70	35	1 1/2"	6.2	6.4	6.4	1 1/2"
80	38	1 1/2"	7.0	7.2	7.2	1 1/2"
90	41	1 1/2"	8.0	7.5	7.5	1 1/2"
100	43.5	1 1/2"	8.7	7.8	7.8	2"
120	48	2"	2.7	5.0	5.0	2"
140	52.5	2"	3.1	5.4	5.4	2"
160	57	2"	3.6	5.8	5.8	2"
180	61	2"	3.9	6.1	6.1	2"
200	65	2"	4.5	6.6	6.6	2"
225	70	2"	5.2	7.1	7.1	2"
250	75	2"	6.0	7.7	7.7	3"
275	80	2 1/2"	2.6	5.5	5.5	3"
300	85	2 1/2"	2.9	5.8	5.8	3"
350	95	2 1/2"	3.5	6.5	6.5	3"
400	105	2 1/2"	4.2	7.1	7.1	3"
450	115	2 1/2"	5.0	8.0	8.0	3"
500	125	3"	2.3	5.9	5.9	3"
600	145	3"	3.1	6.8	6.8	4"

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Water Supply Fixture Units (W.S.F.U.) for a
Supply System with Flush Tanks

W.S.F.U.	Demand (GPM)(1)	Pipe Size (Inches)	Pressure Loss		Velocity (Ft./Sec.)	Meter Size (Inches)
			(PSI/100' of Pipe)	(Ft./100' of Pipe)		
750	170	3"	4.0	8.0	4"	4"
1000	208	4"	1.5	5.7	4"	4"
1250	240	4"	1.9	6.4	4"	4"
1500	267	4"	2.3	7.0	4"	4"
1750	294	4"	2.8	7.8	4"	4"
2000	320	6"	0.36	3.7	6"	6"

Agency Notes:

(1) Where a unit of local government does not require separate water service lines for irrigation or similar systems that are likely to impose continuous demands (e.g., lawn sprinkler or air conditioning systems), the following rule applies: estimate the continuous demand (in gallons per minute) for such outlets/systems separately from the intermittent demand from the above fixtures, and add this amount to the demand of the fixtures (in gallons per minute).

(2) Meter and meter yoke sizes shown in this table shall apply only to those jurisdictions or governmental units where local ordinances do not prescribe specific sizes of meters and/or meter yokes. Where local ordinances cover such sizing, local requirements shall be followed.

(Source: Emergency amendment at 18 Ill. Reg. **14444**, effective SEP 01 1994, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 890-TABLE O Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flushometer

Water Supply Fixture Units (W.S.F.U.) for a
Supply System with Flushometer

W.S.F.U.	Demand (GPM)(1)	Pipe Size (Inches)	Pressure Loss		Velocity (Ft./Sec.)	Meter Size (Inches)(2)
			(PSI/100' of Pipe)	(Ft./100' of Pipe)		
10	27	1 1/4"	8.3	6.8	3/4"	3/4"
12	28.6	1 1/4"	9.2	7.2	3/4"	3/4"
14	30.2	1 1/4"	10	7.9	3/4"	3/4"
16	31.8	1 1/4"	11	8.0	3/4"	3/4"
20	35	1 1/2"	6.0	6.4	3/4"	3/4"
25	38	1 1/2"	7.0	6.9	1"	1"
30	41	1 1/2"	8.0	7.4	1"	1"
35	43.8	1 1/2"	8.8	8.0	1"	1"
40	46.5	2"	2.5	4.7	1"	1"
45	49	2"	2.7	5.1	1"	1"
50	51.5	2"	2.9	5.4	1 1/2"	1 1/2"
60	55	2"	3.4	5.8	1 1/2"	1 1/2"
70	58.5	2"	3.7	6.0	1 1/2"	1 1/2"
80	62	2"	4.0	6.2	1 1/2"	1 1/2"
90	64.8	2"	4.6	6.5	1 1/2"	1 1/2"
100	67.5	2"	5.0	6.8	1 1/2"	1 1/2"
120	72.5	2"	5.6	7.2	2"	2"
140	77.5	2"	6.3	8.0	2"	2"
160	82.5	2 1/2"	2.7	5.7	2"	2"
180	87	2 1/2"	3.0	6.1	2"	2"
200	91.5	2 1/2"	3.4	6.4	2"	2"
225	97	2 1/2"	3.7	6.8	2"	2"
250	101	2 1/2"	4.0	7.1	3"	3"
275	106	2 1/2"	4.2	7.3	3"	3"
300	110	2 1/2"	4.6	7.6	3"	3"
350	119	3"	2.1	5.5	3"	3"
400	126	3"	2.3	5.9	3"	3"
450	138	3"	2.7	6.3	3"	3"
500	145	3"	3.0	6.8	3"	3"
600	160	3"	3.6	7.4	4"	4"
750	178	4"	1.1	4.7	4"	4"
1000	208	4"	1.5	5.6	4"	4"
1250	240	4"	1.9	6.4	4"	4"
1500	267	4"	2.3	7.0	4"	4"
1750	294	4"	2.8	7.8	4"	4"

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Numbers: Peremptory Action:

125.260 Amended
125.380 Amended

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 59 FR 40209 (1994).

5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650].

6) Effective Date: September 7, 1994

7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry inspection are hereby adopted. "The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations by defining the information panel on the labeling of meat and poultry products; allowing mandatory labeling information to be shown in the information panel, in addition to the principal display panel; allowing nutrition information to be shown on other than the principal display panel or the information panel of meat and poultry products; and allowing final labeling bearing nutrition information, which has been approved by FSIS in sketch form, to be generically approved." (Federal Register, 8/8/94) These amendments appear at 59 FR 40209 (1994).

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: September 7, 1994

10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? Yes, proposed amendments to Section 125.110 (published in 18 Ill. Reg. 9027, 6/24/94), and peremptory amendments to Sections 125.270 and 125.280 (published in 18 Ill. Reg. 12546, 8/12/94) are pending.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flushometer

W.S.F.U.	Demand (GPM)(1)	Pipe Size (Inches)	Pressure Loss		Velocity (Ft./Sec.)	Meter Size (Inches)(2)
			(PSI/100' of Pipe)	(Ft./Sec.)		

2000	321	6"	0.4	3.7	6"
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Agency Notes:

(1) Where a unit of local government does not require separate water service lines for irrigation or similar systems that are likely to impose continuous demands (e.g., lawn sprinkler or air conditioning systems), the following rule applies: estimate the continuous demand (in gallons per minute) for such outlets/systems separately from the intermittent demand from the above fixtures, and add this amount to the demand of the fixtures (in gallons per minute).

(2) Meter and meter yoke sizes shown in this table shall apply only to those jurisdictions or governmental units where local ordinances do not prescribe specific sizes of meters and/or meter yokes. Where local ordinances cover such sizing, local requirements shall be followed.

(Source: Emergency amendment at 18 Ill. Reg. 14444, effective SEP 01 1994, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-2172

The full text of the peremptory amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section	Definition
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	Definition
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection
125.370	Handling and Disposal of Condenned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15755, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988;

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amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 15725, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16215, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; amended at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; ~~peremptory amendment at 18 Ill. Reg. 14475~~, effective ~~September 1994~~ September 1994.

Section 125.260 Labeling, Marking and Containers

a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.369, 317.380, 317.400 (1990; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective

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September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41445, effective September 20, 1991; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 58 FR 42188, effective September 8, 1993; 58 FR 38046, effective August 16, 1993; 59 FR 12536, effective April 18, 1994; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, 58 FR 66075, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994).

- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, par. 101 et seq.) [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment

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provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended, at 18 Ill. Reg. 14475, effective SEP 07 1994.)

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(b)(1), 381.133 through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.469, 381.480, 381.500 (1990; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 67485, effective October 21, 24542, effective July 10, 1992; 57 FR 43588, effective October 21, 1992; 58 FR 38046, effective August 16, 1993; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the

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label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 18 Ill. Reg. 14475, effective SEP 07 1994)

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NOTICE OF REFUSAL TO MODIFY
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: 350.280(a) Action: refusal
350.280(c)
- 4) Date Notice of Proposed Rules Published in the Register:
February 4, 1994 18 Ill Reg 1672
- 5) Date JCAR Statement of Objection Published in the Register:
August 5, 1994 18 Ill Reg 12068
- 6) Summary of Action Taken by the Agency:

JCAR has objected to IDOL's proposed amendment on the grounds that the rulemaking is economically overburdensome to units of local government. Due to the Department's statutory mandate, the Department does not have the authority to modify the rulemaking to meet the Joint Committee's objections. The Health and Safety Act mandates that the Department adopt the OSHA standards as its rules and apply them to all political subdivisions, without exception. Accordingly, the Department has no choice but to adopt the proposed rulemaking without modification.

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1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act Citation: Ill. Rev. Stat. 1991, ch. 127, par. 2001 (20 ILCS 2515/1)
 2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1994. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)
- The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturing Machinery & Equipment
Agricultural Producers and Products	Medical Appliances
Assessments	Miscellaneous
Automobile Renting Tax	Motor Fuel Tax
Bingo	Motor Vehicles
Books and Records	Newsprint & Ink
Bulk Sales	Nexus
C.O.A.D.	Nonprofit Institutions
Certificate of Registration	Occasional Sale
Charitable Games	Oil Field Equipment
Cigarette Tax	Penalties
Claims for Credit	Pollution Control Facilities
Coal Fueled Devices	Prepaid Sales Tax
Coal Mining Equipment	Products of Photoprocessing
Coins & Precious Metals	Property Tax
Computer Software	Public Utility Taxes
Construction Contractors	Real Estate Transfer Tax

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Cooperative Associations
 Delivery Charges
 Distillation Machinery
 Drug Tax Stamps
 Drugs
 Enterprise Zones
 Exempt Organizations
 Farm Machinery & Equipment
 Federal Excise Tax
 Financial Institutions
 Food
 Food, Drugs & Medical Appliances
 Governmental Bodies
 Graphic Arts
 Gross Receipts
 Hotel Operators' Tax
 Interest
 Interstate Commerce
 Itinerant Vendors
 Invested Capital Tax
 Leasing
 Liquor Tax
 Local Taxes
 Mandatory Service Charges
 Manufacturers

Repairs
 Replacement Vehicle Tax
 Returns
 Rolling Stock Exemption
 Sale at Retail
 Sale for Resale
 Sale of Service
 Signature
 Special Order
 Statute of Limitations
 Tax Collection
 Tax Increment Financing
 Tax Rate
 Telecommunications Excise Tax
 Temporary Storage
 Tire User Fee
 Trade-Ins
 Use Tax
 Vehicle Use Tax
 Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of General Counsel
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

AGENTS

94-0151 05/26/1994 If an auctioneer is acting on behalf of an unknown or
 \$1.25 undisclosed principal, the auctioneer incurs Retailers' Occupation
 Tax on the gross receipts from the sale. The gross receipts of sale
 would include any sales premium charged to the purchaser. (This is a
 GIL.)

AGRICULTURAL PRODUCERS AND PRODUCTS

94-0219 06/20/1994 A chemical product that enhances the nutritive value
 \$1.00 of animal waste used as fertilizer or that can be mixed with feed and
 be given directly to livestock is a product used for production
 agriculture. Therefore, the sales of these farm chemicals are exempt
 from tax. (This is a GIL.)

CHARITABLE GAMES

94-0159 06/06/1994 Letter discusses the liability of a pull tab manufacturer
 \$1.25 giving away pull tabs to suppliers making other purchases, and the
 propriety of contacting licensees to urge them to buy pull tabs from
 those suppliers. (This is a GIL.)

CLAIMS FOR CREDIT

94-0097 04/15/1994 (This is a GIL.) The statute of limitations related
 \$1.25 to the filing of claims to recover Retailers' Occupation Tax is set
 out at 86 Ill. Adm. Code Section 130.1501(a)(4).

94-0143 05/26/1994 This letter forwards a form for a claim for credit for
 \$1.00 overpaid Retailers' Occupation Tax and sets out the limitations
 period for claims for credit. (This is a GIL.)

94-0183 06/10/1994 In order to file a claim for credit, the claimant must
 \$1.25 first repay taxes collected to those from whom he collected the
 taxes, or provide those persons with an unconditional credit
 memorandum. See Section 150.1401. Unless this is done, a claim
 cannot be approved. (This is a GIL.)

COAL MINING EQUIPMENT

94-0091 04/11/1994 (This is a GIL.) The Retailers' Occupation Tax does
 \$1.25 not apply to sales of coal exploration, mining, off highway hauling,
 processing, maintenance and reclamation equipment, including
 replacement parts, costing \$250.00 or more. In order for the
 equipment to be considered exempt, it must be used primarily in an

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exempt activity. These activities are more fully described in subsection (b) of the regulation. The exemption does not extend to supplies, or to equipment primarily used in the activities described in subsection (c) of the regulation.

COMPUTER SOFTWARE

94-0093 04/11/1994 (This is a PLR.) In order to be considered a nontaxable
\$1.25 license of software, the license agreement must meet all the criteria contained in Section 130.1935 (a)(1)(A-E).

94-0094 04/11/1994 (This is a GIL.) Unless a license of software contains
\$1.25 all the criteria contained in Section 130.1935 (a)(1)(A-E), it is fully taxable.

94-0110 05/04/1994 86 Ill. Adm. Code 130.1935 (a)(1) details the requirements
\$1.25 which must be met in order for a software license to be exempt under the Illinois Retailer's Occupation Tax. (This is a GIL.)

94-0128 05/19/1994 A license of software is exempt if it contains the
\$1.50 following characteristics: (1) a written agreement signed by both licensor and customer; (2) a restriction that limits the customer's duplication and use of the software; (3) a restriction that prohibits the customer from licensing, sublicensing or transferring the software to an unrelated third party; (4) a policy or provision that the vendor will provide another copy at minimal or no charge if the customer loses or damages the software; and (5) a requirement that the customer destroy or return all copies of the software to the vendor at the end of the license period. (This is a GIL.)

94-0155 05/31/1994 Maintenance contracts which provide for updates of canned
\$1.25 software, and which do not separately state and tax those updates, are considered to be sales of canned software, and are fully taxable. However, if the license of software to which the maintenance contract is related meets all the criteria contained in Section 130.1935(a)(1)(A-E), the maintenance contract is not taxable, even if it provides for updates of software which are not separately stated and taxed. (This is a GIL.)

94-0170 06/09/1994 Five criteria must be met before the sale of canned
\$1.00 computer software will qualify for exemption from Retailer's Occupation Tax. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

94-0181 06/10/1994 A license of software must meet all the criteria contained
\$1.25 in Section 130.1935 (a)(1)(A-E) in order to be exempted from tax. (This is a GIL.)

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94-0186 06/10/1994 Certain requirements must be met in order for a lease or
\$1.00 license of computer software to be considered non-taxable under the Illinois Retailers' Occupation Tax Act. These requirements are set out at 86 Ill. Adm. Code 130.1935(a)(1).

94-0201 06/16/94 Generally speaking, support agreements for computer software
\$1.25 are not taxable. However, if the agreement provides for updates of canned software, and those updates are not separately stated and taxed, the entire maintenance agreement is taxable as a sale of canned software.

94-0216 06/20/1994 Certain requirements must be met in order for a license of
\$1.50 software to be considered non-taxable under the Illinois Retailers' Occupation Tax Act. These requirements are set out at 86 Ill. Adm. Code 130.1935(a)(1). (This is a GIL.)

94-0226 06/23/1994 Five criteria, found at 86 Ill. Adm. Code Section
\$1.25 130.1935, must be met before the sale of canned computer software will qualify for exemption from Retailer's Occupation Tax. (This is a GIL.)

94-0229 06/29/1994 A sale of "canned" computer software is a taxable retail
\$1.00 sale. Software programs that are downloaded from bulletin board services would be taxable as canned computer software. (This is a GIL.)

94-0236 06/29/1994 A sale of "canned" computer software is a taxable retail
\$1.25 sale. If the computer software consists of custom computer programs, then the sale of such software is not a taxable retail sale. (This is a GIL.)

CONSTRUCTION CONTRACTORS

94-0101 04/20/1994 (This is a GIL.) This letter sets out the sales tax
\$1.25 treatments possible to sales and installation of home appliances.

94-0124 05/13/1994 When a contractor purchases materials which he will
\$1.00 permanently affix to real estate owned by an organization possessing a tax exemption number, he does not incur a Use Tax, provided that he provides the documentation required by Section 130.2075 (d). (This is a GIL.)

94-0164 06/07/1994 Poles, support structures, and signs that are permanently
\$1.50 affixed to real estate are considered improvements to real estate, and contractors installing these items owe Use Tax on their cost price of the items installed. Poles, support structures, and signs

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that are not intended to be permanently attached to real estate are subject to Retailers' Occupation Tax or Service Occupation Tax. (This is a GIL.)

94-0165 06/07/1994 Contractors, as defined in 86 Ill. Adm. Code Sec. 130.1940, that make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. (This is a GIL.)

94-0192 06/13/1994 Construction contractors purchasing materials which will be incorporated into real estate owned by tax-exempt organizations may purchase those materials tax-free, provided they document the exemption as provided in Section 130.2075(d)(4). (This is a GIL.)

94-0214 06/17/1994 Support structures and signs that are permanently affixed to real estate are considered improvements to real estate, and contractors installing these items owe Use Tax on their cost price of the items installed. Poles, support structures, and signs that are not intended to be permanently attached to real estate are subject to Retailers' Occupation Tax or Service Occupation Tax. (This is a GIL.)

DELIVERY CHARGES

94-0137 05/20/1994 In the absence of a separate agreement for shipping, invoice charges for shipping and insurance will be considered taxable gross receipts. (This is a GIL.)

94-0187 06/10/1994 To the extent that shipping and handling charges constitute a portion of the sale price of the merchandise, they are includable in gross receipts and subject to ROT. (This is a GIL.)

ENTERPRISE ZONES

94-0092 04/11/1994 (This is a GIL.) In order for the EZ building materials exemption to be properly claimed, the retailer of qualifying materials must be located in the jurisdiction that created the enterprise zone into which the materials will be incorporated.

94-0098 04/19/1994 (This is a GIL.) In order to qualify for the enterprise zone building material exemption, the building materials must be purchased from a retailer located in a jurisdiction which created the enterprise zone into which the materials will be incorporated. The fact that a construction contractor furnishing materials is located in a qualifying jurisdiction does not establish the exemption. In such a situation, the contractor must purchase the materials from a

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retailer located in a qualifying jurisdiction.

94-0100 04/19/1994 (This is a GIL.) Safety shoes can qualify for the expanded manufacturing machinery and equipment exemption so long as they are purchased by a DCCA certified business enterprise and used within an enterprise zone in a qualifying manner.

94-0118 05/05/1994 Sales of mobile homes by a retailer located with the jurisdiction which created the enterprise zone may qualify for the enterprise zone exemption but only if they are permanently affixed to real estate located in the zone. General Information Letter.

94-0121 05/06/1994 Sales of mobile homes by a retailer located with the jurisdiction which created the enterprise zone may qualify for the enterprise zone exemption but only if they are permanently affixed to the real estate located in the zone. General Information Letter.

94-0166 06/08/1994 In order for the Enterprise Zone building materials exemption to apply, the building materials must be purchased from a retailer located in the jurisdiction that created the enterprise zone and must be permanently incorporated into real estate located in that enterprise zone. (This is a GIL.)

FARM MACHINERY & EQUIPMENT

94-0088 04/04/1994 (This is a GIL.) The farm machinery and equipment exemption applies to machinery and equipment used in "production agriculture," which is limited to activities necessary in tilling the soil, planting, irrigating, cultivating, applying herbicide, insecticide or fertilizer, and harvesting and drying crops. It does not include activities such as the clearing of land, mowing of fence rows, creation of ponds or drainage facilities. Drainage equipment is therefore not exempt from tax.

94-0129 05/19/1994 ATVs do not qualify for the farm machinery and equipment exemption. ATVs are considered vehicles which are primarily recreational in nature. Even when used on the farm, they are not used primarily in production. (This is a GIL.)

94-0144 05/26/1994 Retailers' Occupation Tax and Use Tax do not apply to farm machinery and equipment that is used primarily (over 50% of the time) in production agriculture. (This is a GIL.)

94-0176 06/09/1994 Retailers' Occupation Tax and Use Tax do not apply to farm machinery and equipment that is used primarily (over 50% of the time) in production agriculture. The exemption does not apply to equipment

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that is used for the maintenance and repair of equipment and would not generally apply to the sale of a pressure washer unless it is used primarily to clean animals or assist in a manure removal system. (This is a GIL.)

94-0177 06/09/1994 Retailers' Occupation Tax and Use Tax do not apply to farm machinery and equipment that is used primarily (over 50% of the time) in production agriculture. (This is a GIL.)

FOOD

94-0109 05/04/1994 Food for human consumption which is to be consumed off the premises where it is sold is subject to the low rate of tax. (This is a GIL.)

94-0189 06/10/1994 When a retail establishment provides facilities for on-premises consumption of food, they are subject to the high rate of tax on their gross receipt from sales of food. (This is a GIL.)

94-0232 06/29/1994 This letter sets out when an out-of-state retailer of food items must collect Illinois Retailers' Occupation Tax or Use Tax and describes the taxability of sales of disposable tableware. (This is a GIL.)

GOVERNMENTAL BODIES

94-0148 05/26/1994 Equipment and materials purchased by a contractor in order to fulfill its contract with a unit of government are subject to Illinois Use Tax, even if ownership of the equipment is ultimately transferred to the government. (This is a GIL.)

GRAPHIC ARTS

94-0102 04/21/1994 (This is a PLR.) Color electronic prepress system used as a wholly integrated system can qualify for the graphic arts exemption.

GROSS RECEIPTS

94-0120 05/05/1994 When a vendor offers a discount and will not receive any type of reimbursement by anyone for granting the discount, the vendor should collect sales tax on the amount he receives at retail. This amount constitutes his "gross receipts". (This is a GIL.)

94-0130 05/19/1994 Caterers are considered to be retailers of tangible personal property and tax is imposed on their entire gross receipts

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from sale, without any deduction on account of service costs or other overhead costs. When the bill is for preparation, delivery and serving, all of these charges are includable in gross receipts. (This is a GIL.)

05/20/1994 When a retailer issues a coupon to a purchaser which entitles them to a free item conditioned on the purchase of a separate item, the retailer's gross receipts are measured only by the amount actually received from the purchaser. (This is a GIL.)

05/26/1994 A seller may deduct from the seller's gross receipts any refunds made by that seller during the preceding return period on account of tangible personal property that is returned to the seller. (This is a GIL.)

05/27/1994 The Federal gasoline tax is not deductible from gross receipts when computing Retailers' Occupation Tax liability because the Federal tax falls upon the manufacturer, wholesaler, or importer rather than the customer or end user. (This is a GIL.)

06/06/1994 When a customer presents a coupon to a retailer for redemption and that retailer receives reimbursement, from any source, for the coupon, the amount of reimbursement received for the coupon is subject to Retailers' Occupation Tax. (This is a GIL.)

06/07/1994 The amount of the retail selling prices of cigarettes represented by the Cigarette Tax or Cigarette Use Tax may not be deducted from the seller's gross receipts from the sale in computing Retailers' Occupation Tax liability. (This is a GIL.)

06/15/1994 If the delivery or transportation charges are included in the selling price of tangible personal property, the costs of delivery or transportation may not be deducted by the seller in computing the seller's Retailers' Occupation Tax liability. Discounts given by a retailer that are measured by the amount of the delivery or transportation charges are not subject to Retailers' Occupation Tax or Use Tax. (This is a GIL.)

06/15/1994 If a retailer has a sale and reduces his price or provides a purchaser with a coupon that the retailer is not reimbursed from by any source, the retailer must use the reduced price as his taxable base (gross receipts of sale). (This is a GIL.)

06/16/1994 When a retailer allows a purchaser a discount from the selling price on the bases of a discount coupon for which the retailer receives no reimbursement from any source, the amount of

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such discount is not subject to tax. (This is a GIL.)

94-0228 06/29/1994 A retailer may deduct from its gross receipts any refunds it makes during the preceding return period if it included those receipts in its previous return and paid the appropriate Retailers' Occupation Tax on those receipts. (This is a GIL.)

94-0241 06/30/1994 When a retailer collects gross receipts from a customer, then later sends that customer a "delayed discount" which is contractually provided for and thus known at the time of the sale, he may deduct the discount on his return for amounts given to customers as discounts, provided that he also refunds to the customer the amount of tax which was collected on the amount of gross receipts represented by the "delayed discount." If he does not return the tax, as well as the amount of the discount, he must file a claim for credit. (This is a GIL.)

HOTEL OPERATORS' TAX

94-0227 06/27/1994 The Hotel Operators' Occupation Tax Act contains no exemption for the rental of rooms to churches, charities, schools or units of government. (This is a GIL.)

INTERSTATE COMMERCE

94-0175 06/09/1994 Where an Illinois retailer is required to make physical delivery of the goods outside of the State, not be returned to a point in this State, the sale is considered to be a sale in interstate commerce and is exempt from Illinois Retailers' Occupation Tax and Use Tax. However, if the purchaser takes possession or control of the property in Illinois, the sale is considered to be a taxable Illinois sale. (This is a GIL.)

94-0194 06/13/1994 Sales made into interstate commerce, per the provisions of 86 Ill. Adm. Code 130.605, are not subject to Retailers' Occupation Tax. (This is a GIL.)

94-0209 06/17/1994 The interstate commerce exemption will be available for only that portion of the goods delivered by the registered serviceman outside the state that would not be returned to Illinois. (This is a GIL.)

94-0225 06/23/1994 If the purchaser takes delivery of property in Illinois, the Interstate Commerce exemption is not available. (This is a GIL.)

LEASING

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94-0108 05/02/1994 Lessors of automobiles under true leases for periods greater than one year incur Use Tax liability on the cost price of the car purchased for leasing purposes. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)

94-0114 05/05/1994 Where a mailing list in the form of paper printout or computer paper is transferred to a lessee under a true lease and the mailing list must be returned to the lessor at the close of the lease, the lessor incurs Use Tax based upon the cost price of the tangible personal property leased. (This is a GIL.)

94-0146 05/26/1994 The lessor of tangible personal property under a true lease is considered to be the end user of the property to be leased and the lessor incurs Use Tax on the lessor's cost price of the property. (This is a GIL.)

94-0156 06/02/1994 The sale of tangible personal property to a purchaser who will act as a lessor of such tangible personal property is a sale at retail and is subject to Retailers' Occupation Tax. (This is a GIL.)

94-0158 06/06/1994 In Illinois, lessors leasing automobiles for more than a year under a true lease owe Use Tax "up front" on the cost price of the automobile purchased for leasing purposes. (This is a GIL.)

94-0204 06/17/1994 Under a true lease, the lessor incurs tax based upon the cost price of the vehicle. With the exception of the Automobile Renting Occupation Tax which applies to leases of automobiles for a period of one year or less, a lessee incurs no state tax on receipts from a true lease of tangible personal property in Illinois.

94-0207 06/17/1994 If the transaction is a purchase of tangible personal property by the financing company for lease to the customer, the financing company is making a taxable purchase of tangible personal property as the end user or lessor of that property. See 86 Ill. Adm. Code 130.220, enclosed. In that situation, the tax liability is paid by the lessor and the lessee does not incur any tax. However, if the financing company makes a conditional sale of the property to the customer, the financing company must give your company a Certificate of Resale. See 86 Ill. Adm. Code 130.1405, regarding Certificates of Resale. The financing company would then be responsible for remitting Retailers' Occupation Tax to the Department based upon the gross receipts received from the monthly payments made by the customer. (General Information Letter.)

LOCAL TAXES

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94-0089 \$1.00 04/05/1994 (This is a GIL.) Locally imposed hotel occupation taxes are administered by the municipality imposing the tax, not the Department.

94-0117 \$1.00 05/05/1994 The appropriate rate of tax for a retail sale is determined by the location of the purchase order acceptance as per 86 Ill. Adm. Code Section 270.115. (This is a GIL.)

94-0157 \$1.00 06/02/1994 For purposes of determining the applicability of local taxes, the location where the purchase order is accepted is the most important element in determining where a sale took place. The authority of a retailer to reimburse himself for local taxes creates a corresponding legal duty of the purchaser to pay such reimbursing amounts to the retailer if the retailer uses such reimbursement authority. (This is a GIL.)

94-0168 \$1.25 06/09/1994 The transfer of tangible personal property as an incident to a sale of service in a home rule county and/or municipality is subject to any corresponding Home Rule County Service Occupation Tax and/or Home Rule Municipal Service Occupation Tax.

94-0178 \$1.25 06/09/1994 Jurisdiction for local retailers' occupation taxes is fixed by the seller's location, not the location of the purchaser. (This is a GIL.)

94-0180 \$1.00 06/10/1994 The Department lacks jurisdiction to rule upon the legality of a local amusement tax, which is imposed, administered and collected solely by a municipality.

94-0182 \$1.25 06/10/1994 The Illinois legislature authorized retailers subject to Home Rule Municipal Retailers' Occupation Taxes to reimburse themselves for their liability by separately stating these taxes to their customers. It is the Department's belief that once the retailer exercises his option to seek reimbursement from the customer, the customer is under a legal obligation to reimburse the retailer. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

94-0086 \$1.25 04/04/1994 (This is a GIL.) Concrete pump trucks do not manufacture concrete as ready-mix trucks do, and do not qualify for the manufacturing machinery and equipment exemption. Rather, they are used in conjunction with the ready-mix trucks to pump the concrete to difficult-to-reach places. The pump trucks are used to deliver the concrete to the customer's location after production is completed -- after the concrete is manufactured. The pump trucks are

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thus used in a delivery, not a manufacturing process.

94-0090 \$1.25 04/11/1994 (This is a GIL.) The manufacturing machinery and equipment exemption extends to machinery and equipment used primarily in a manufacturing process to inspect, test or measure the tangible personal property to be sold, where such function is an integral part of the production flow. If the equipment is used primarily to test a product which will not be sold, but is rather consumed in the production process, the exemption is not applicable.

94-0113 \$1.25 05/04/1994 Beginning September 1, 1988, manufacturing includes photoprocessing and some manufacturing machinery and equipment used in the production of videotapes will qualify for the exemption. (This is a GIL.)

94-0115 \$1.00 05/05/1994 Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily (over 50 percent of the time) in the manufacturing or assembling of tangible personal property. The tax does not apply to brewing equipment used to brew beer for a brewery. (This is a GIL.)

94-0116 \$1.25 05/05/1994 Equipment used in a livestock slaughter house to measure parts of a carcass for the calculation of the purchase price to be paid by the slaughter house is not machinery or equipment that is used for manufacturing or assembly and does not qualify for exemption as manufacturing machinery or equipment. (This is a GIL.)

94-0153 \$2.25 05/27/1994 This letter answers a number of specific questions about the manufacturing machinery and equipment exemption concerning durable and consumable materials and the exemption for resale concerning packaging materials. (This is a GIL.)

94-0172 \$1.00 06/09/1994 A chemical that is used as an abrasive media to effect a direct and immediate change on tangible personal property that will be sold or leased may qualify for the manufacturing and machinery exemption from Retailers' Occupation Tax. (This is a GIL.)

94-0179 \$1.00 06/10/1994 Response to taxpayer inquiry regarding the production -related manufacturing machinery and equipment credit enacted by Public Act 88-505. (This is a GIL.)

94-0196 \$1.25 06/14/1994 Where data is taken from measurements and tests of products on a production line and is entered into a computer that is not connected to the production process, the computer equipment would not qualify for the manufacturing machinery and equipment exemption. (This is a GIL.)

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94-0217 06/20/1994 This letter contains general information concerning how
\$1.25 to qualify for the machinery and equipment exemption and the
certification necessary for a sale to be tax-exempt. The letter also
discusses the requirements for a Certificate of Resale and for
exemption identification numbers (This is a GIL.)

MEDICAL APPLIANCES

94-0085 04/04/1994 (This is a GIL.) Medical appliances and drugs are
\$1.75 taxed at a preferential low rate. A medical appliance is an item
intended by its manufacturer to directly substitute for a
malfunctioning part of the body. Medical appliances do not include
items used in diagnosis.

94-0135 05/20/1994 A hearing aid is a medical appliance intended by its
\$1.00 manufacturer for use in directly substituting for a malfunctioning
part of the body and qualifies for the lower Retailers' Occupation
Tax rate. Batteries that are made specifically for hearing aids also
qualify for the lower tax rate. (This is a GIL.)

94-0154 05/31/1994 This letter discusses generally the taxation of various
\$1.50 types of medical devices, including casting materials, splints, knee
immobilizers, and orthopedic collars and braces. (This is a GIL.)

94-0162 06/07/1994 A reduced tax rate of 1½ is applied to prescription and
\$1.50 nonprescription medicines, drugs, medical appliances, and insulin,
urine testing utensils, syringes, and needles used by diabetics, for
human use. The reduced tax rate also applies to medical appliances.
A medical appliance is defined as an item which is intended by its
manufacturer for use in directly substituting for a malfunctioning
part of the body. (This is a GIL.)

94-0167 06/09/1994 The definition of a medical appliance has been clarified
\$2.00 and limited to include only those items which are intended by the
manufacturer for use in directly substituting for a malfunctioning
part of the body. (This is a GIL.)

94-0213 06/17/1994 Generators which are used by health care professionals to
\$1.25 produce a radionuclide which is prescribed by doctors and used as an
imaging agent in brain imaging, placental localization, or other
diagnostic imaging uses, does not qualify as a medical appliance or
drug subject to the low rate of tax. The generators are a machine
that produces a drug, not a drug, and they do not directly substitute
for a malfunctioning part of the human body. (This is a GIL.)

94-0215 06/17/1994 To the extent that the ventilators are used in

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\$1.25 substituting for the action of the lungs in a person with impaired
lung function or as corrective medical appliances for persons with
impaired lung function, they are subject to the low rate of tax.
(This is a GIL.)

94-0235 06/29/1994 A reduced tax rate of 1½ is applied to medicines and
\$1.00 medical appliances. A medical appliance is defined as an item which
is intended by its manufacturer for use in directly substituting for
a malfunctioning part of the body. (This is a GIL.)

MISCELLANEOUS

94-0107 05/02/1994 Maintenance contracts are not taxed at the time of sale
\$1.25 in Illinois. However, sellers of maintenance contracts incur a Use
Tax liability on parts transferred incident to completion of those
maintenance contracts. (This is a GIL.)

94-0122 05/06/1994 Quarter push game described in letter could not be
\$1.50 regulated as a coin-operated amusement device because it returned
money to the player. (This is a GIL.)

94-0200 06/16/1994 Survey of Retailers' Occupation Tax and Service
\$2.00 Occupation Tax for a publisher. (This is a GIL.)

MOTOR VEHICLES

94-0190 06/13/1994 This letter answers a number of questions concerning the
\$1.25 State of Illinois' treatment of motor vehicle sales. (This is a
GIL.)

NEWSPRINT & INK

94-0123 05/06/1994 Publications that qualify as "magazines" are exempt from
\$1.25 Retailers' Occupation Tax in Illinois. In order to qualify as a
magazine, a publication must be published periodically and not just
on an annual basis. It must also possess at least one characteristic
of a magazine. The considerations would include whether the
publication can be subscribed to, whether it contains general
advertising, and whether it has the format of a magazine, such as
soft cover, individual pages, and indexed articles. (This is a GIL.)

94-0205 06/17/1994 In order to be considered a magazine, a publication must
\$1.25 be published at least two times per year, and in addition, must
possess at least one other characteristic of a magazine. These
characteristics include: whether the publication can be subscribed
to; whether it contains general advertising; or whether it has the

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format of a magazine such as a soft cover, individual pages and indexed articles. (This is a GIL.)

94-0239 06/29/1994 Publications that qualify as "magazines" are exempt from
\$1.25 Retailers' Occupation Tax in Illinois. (This is a GIL.)

NEXUS

94-0106 04/29/1994 (This is a GIL.) Out-of-State sellers who fall within
\$1.50 the definition of a "retailer maintaining a place of business" in Illinois set out at 86 Ill. Adm. Code Section 150.201(i) are required to act as Illinois Use Tax collectors.

94-0126 05/19/1994 The physical presence of an agent or employee of a
\$1.25 company in Illinois may subject the company to Illinois Use Tax collection responsibilities. If a company sends an agent or representative to Illinois to attend shows, exhibits or other business activities, then they have established a physical presence here. It is immaterial for tax purposes that the agent's presence is only temporary.

94-0127 05/19/1994 This General Information Letter contains descriptions
\$1.50 of out-of-State sellers required to register, either as Illinois retailers or as out-of-State Use Tax collectors and persons who qualify for resale numbers.

94-0136 05/20/1994 This letter sets out the guidelines concerning different
\$1.00 types of retailers in order to determine whether the retailer should collect Illinois Use Tax. 86 Ill. Adm. Code Sec. 150.201. (This is a GIL.)

94-0138 05/20/1994 Sufficient contact or nexus must exist in order for a
\$1.25 taxpayer to be subject to Illinois sales tax law. (This is a GIL.)

94-0184 06/10/1994 This letter describes the types of activities, as
\$1.00 explained in Section 150.201(i) and clarified by the Quill decision, in which an out-of-State seller must engage before Illinois can require him to register and collect the Use Tax on his Illinois sales. (This is a GIL.)

POLLUTION CONTROL FACILITIES

94-0083 04/01/1994 (This is a GIL.) A machine which grinds trees and
\$1.75 construction job site wood refuse materials does not constitute a pollution control facility because it does nothing more than reduce the bulk of the materials. It does not treat the materials so as to

make them less harmful. In addition, if the grinder is used primarily to generate chips which are subsequently sold, and if this economic purpose represents the primary purpose of the machine, it cannot be said that the primary purpose of the grinder is pollution control. It has long been the position of the Department that items which are used primarily for economic benefit are not pollution control facilities.

94-0105 04/26/1994 (This is a GIL.) Certain products used for the purpose
\$1.00 of asbestos abatement as part of an asbestos abatement system can qualify for the pollution control exemption.

94-0119 05/05/1994 Chemicals which are part of a system whose primary
\$1.25 purpose is to prevent air and water pollution can qualify for the exemption. If the primary purpose of the equipment is to confer an economic benefit on the user, it will not qualify for the exemption. (This is a GIL.)

94-0145 05/26/1994 Sewage treatment facilities that are operated for the
\$1.00 purposes set forth in Section 130.335 would qualify as pollution control facilities and would be exempt from Retailers' Occupation Tax. (This is a GIL.)

94-0149 05/26/1994 Sales of pollution control facilities are exempt from
\$1.25 Retailers' Occupation Tax. Monitoring wells that do not prevent, reduce, or eliminate pollution, nor treat, pretreat, modify, or dispose of any potential pollutant would not qualify as pollution control facilities as defined in Section 130.335 and would not qualify for exemption. (This is a GIL.)

94-0174 06/09/1994 Sales of pollution control facilities are exempt from
\$1.25 Retailer's Occupation Tax and Use Tax. As defined in Section 130.335, a pollution control facility includes any system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "pollution" is defined in the Environmental Protection Act, 415 ILCS 5/1 et seq., or for the primary purpose of treating, pretreating, modifying, or disposing of any potential solid, liquid, or gaseous pollutant which if released without such treatment, pretreatment, modification, or disposal might be harmful, detrimental, or offensive to human, plant, or animal life, or to property. (This is a GIL.)

94-0197 06/15/1994 Water monitoring equipment that does not actually treat,
\$1.25 pretreat or prevent pollution, or control other equipment that does so, does not qualify for the pollution control facilities exemption.

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(This is a GIL.)

94-0240 06/30/1994 Sales of pollution control facilities are exempt from
 \$1.25 Retailers' Occupation Tax. The sale of a chemical to reclaim salt
 damaged soil that is not a component part of an integrated process
 will not be exempt. (This is a GIL.)

PUBLIC UTILITY TAXES

94-0087 04/04/1994 (This is a GIL.) The provision of water to residential
 \$1.00 or business customers, through water mains, by a nonprofit
 corporation operated on a mutual or cooperative basis, is not subject
 to Retailers' Occupation Tax.

RETURNS

94-0111 05/04/1994 (Filing frequency is determined by the amount of a
 \$1.25 retailer's average monthly Retailer's Occupation Tax liability.
 (This is a GIL.)

94-0171 06/09/1994 Corporate returns must be signed by the vice
 \$1.25 president, secretary or treasurer, or by the properly accredited
 agent whose power of attorney is on file with the Department, if the
 seller is a corporation. (This is a GIL.)

ROLLING STOCK EXEMPTION

94-0103 04/21/1994 (This is a GIL.) De-icing fluids do not qualify for
 \$1.00 the rolling stock exemption. In order for the exemption to apply
 accessories and repair parts for qualifying rolling stock, it must be
 shown that the tangible personal property becomes a physical part of
 the qualifying rolling stock and that it participates directly in the
 transportation process. De-icing fluid does not become a physical
 part of qualifying rolling stock, but rather, constitutes a supply
 which is used during flight.

94-0173 06/09/1994 A motor carrier that conducts private hauling may
 \$1.00 qualify for the rolling stock exemption if it also engages in
 interstate shipping for hire on a regular and frequent basis. (This
 is a GIL.)

94-0185 06/10/1994 The Rolling Stock Exemption is available to interstate
 \$1.25 carriers for hire for use as rolling stock moving in interstate
 commerce. The exemption does not apply to certain items used by the
 carrier, such as fuel or other items used to service the carrier's
 vehicles, that do not become a part of the vehicles and that do not

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participate directly in some way in the transportation process.
 (This is a GIL.)

94-0188 06/10/1994 Garbage trucks do not qualify for the rolling stock
 \$1.00 exemption. In order to qualify for the rolling stock exemption, a
 carrier must be recognized as an interstate carrier for hire and move
 in interstate commerce for hire on a regular and frequent basis.
 Garbage trucks do not meet either of these criteria. (This is a
 GIL.)

94-0208 06/17/1994 The "regular and frequent" standard utilized in the
 \$1.00 Rolling Stock exemption, resulted from language contained in First
 National Leasing & Finance Corp. v. Zagel, 80 Ill. App.3d 358 (1980).
 (This is a GIL.)

94-0210 06/17/1994 To claim the rolling stock exemption, a carrier must
 \$1.00 possess an Interstate Commerce Commission Certificate of Authority or
 be recognized as a carrier for hire by another agency as described in
 Section 130.340(e) and must show, through its books and records, that
 it transports persons or property for hire in interstate commerce on
 a regular and frequent basis. (This is a GIL.)

SALE AT RETAIL

94-0084 04/04/1994 (This is a GIL.) This letter discusses various types
 \$1.50 of sales that are subject to Retailers' Occupation Tax, as well as
 how charges for installation of tangible personal property sold at
 retail, are handled.

94-0125 05/16/1994 Caterers are considered to be retailers of tangible
 \$1.25 personal property. As a result, tax is imposed on their entire gross
 receipts from sale, without any deduction on account of service costs
 or other overhead costs. A caterer's gross receipts would therefore
 include all receipts associated with his sales of food. It is
 immaterial that service costs associated with the meal are billed
 separately on the invoice. (This is a GIL.)

94-0139 05/23/1994 A retailer who develops an inventory of used laser
 \$1.00 printer cartridges, repairs them, and then offers to "repair" any
 laser cartridges sent to him by customers, which he performs by
 replacing the cartridge sent to him by the customer with one he has
 previously collected and repairs, is not a serviceman. Rather, he is
 a retailer of cartridges and incurs a Retailers' Occupation Tax on
 100% of his selling price. (This is a GIL.)

94-0195 06/14/1994 Seller's of books incur Retailers' Occupation Tax

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\$1.00 liability when they sell books to purchasers for use or consumption and not for resale. (This is a GIL.)

94-0212 \$1.25 06/17/1994 A comic book sold as a collector item rather than as newsprint and ink in its initial sale, will be subject to Retailers' Occupation Tax based upon the gross receipts from the sale. (This is a GIL.)

94-0221 \$1.25 06/20/1994 Retailers' Occupation Tax liability is incurred on sales of tangible personal property sold in the activities of a training course. (This is a GIL.)

94-0223 \$1.00 06/22/1994 The sale of satellite television programming services to persons with satellite dishes is not a sale of tangible personal property. Also, the Telecommunications Excise Tax is not applicable to satellite programming services. (This is a GIL.)

94-0231 \$1.00 06/29/1994 The sale of tangible personal property at a bingo hall, such as hats, shirts, and other paraphernalia (with or without a logo), is subject to Retailers' Occupation Tax. (This is a GIL.)

94-0233 \$1.00 06/29/1994 The gross receipts from the sale of transformers is subjects to Retailers' Occupation Tax. (This is a GIL.)

SALE FOR RESALE

94-0133 \$1.25 05/20/1994 Resale numbers are issued to persons who make no taxable sales in Illinois but who need the means to provide suppliers with Certificates of Resale when purchasing items which will be resold. (This is a GIL.)

94-0218 \$1.25 06/20/1994 Suppliers do not incur Retailers' Occupation Tax liability when they sell paper stock, ink, glue and other tangible personal property where such property is purchased by a seller of books and is incorporated physically as ingredients into the books which are sold. (This is a GIL.)

94-0230 \$1.50 06/29/1994 This letter sets out how standard drop shipments are treated in Illinois for Retailers' Occupation Tax and Use Tax purposes. (This is a GIL.)

94-0238 \$1.25 06/29/1994 If a customer purchases tangible personal property in Illinois for resale, and not for use or consumption, the purchaser should provide the seller with a Certificate of Resale containing the information set out in 86 Ill. Adm. Code 130.1405. (This is a GIL.)

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SALE OF SERVICE

94-0096 \$2.25 04/14/1994 (This is a GIL.) This letter discusses the application of the SOTA to sales of paper to special order printers.

94-0099 \$1.00 04/19/1994 (This is a GIL.) The taxability of "maintenance agreements" is set out at 86 Ill. Adm. Code Section 140.301(b)(3).

94-0142 \$1.25 05/26/1994 The purchase of tangible personal property that is transferred to a service customer may result in either Service Occupation Tax liability or Use Tax liability for the serviceman, depending upon which tax base he chooses to calculate his liability. He may calculate his tax base in one of four ways: 1. separately stated selling price; 2. 50% of serviceman's entire bill; 3. SOT on his cost price if he is a registered de minimus serviceman (effective January 1, 1993, P.A. 87-876); or, 4. Use Tax on his cost price if he is an unregistered de minimus serviceman. General Information Letter.

94-0163 \$1.75 06/07/1994 Under the Service Occupation Tax Act, a serviceman is taxed on tangible personal property transferred as an incident of the sale of service. The purchase of tangible personal property that is transferred to the service customer may result in either Service Occupation Tax liability or Use Tax liability for the serviceman, depending upon which tax base he chooses to calculate his liability. He may calculate his tax base in one of four ways: (1) separately stated selling price; (2) 50% of serviceman's entire bill; (3) Service Occupation Tax on his cost price if he is a registered de minimus serviceman; or, (4) Use Tax on his cost price if he is an unregistered de minimus serviceman. (This is a GIL.)

94-0191 \$1.25 06/13/1994 This letter sets out the obligations of both an out-of-state printer with no nexus making deliveries to Illinois and of an out-of-state donee of tangible personal property delivered to Illinois locations. (This is a GIL.)

94-0193 \$1.00 06/13/1994 The drawing and selling of caricatures is deemed to be a sale of service subject to the Service Occupation Tax in Illinois. (This is a GIL.)

94-0206 \$1.25 06/17/1994 A body shop does not incur Service Occupation Tax on consumables used in repairing autos because these items are not transferred to their customers incidental to providing the service. However, a body shop does incur Use Tax on the purchase of consumables. (This is a GIL.)

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- 94-0220 06/20/1994 When dealing with out-of-state servicemen, a purchaser must self assess Service Use Tax based upon the material costs, if separately stated, or 50 % of the total bill if the material costs are not separately stated. (This is a GIL.)
- 94-0234 06/29/1994 Servicemen are subject of the Service Occupation Tax. Presently, servicemen have several different methods of handling their Service Occupation Tax (SOT) liability. This letter describes these methods. (This is a GIL.)
- 94-0237 06/29/1994 Tangible personal property, such as standard program materials, provided as part of a seminar is subject to Retailers' Occupation Tax. (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

- 94-0222 06/20/1994 Transmission charges for information transferred to Illinois customers over a fiber optic network by a telecommunications retailer maintaining a place of business in Illinois are subject to tax. If that retailer cannot transmit information over fiber optics, and instead purchases microwave or local analog television loop capacity to transmit information for his customer, and in fact bills the customer for those transmissions, those transmissions, too, are subject to tax. (This is a GIL.)

USE TAX

- 94-0095 04/11/1994 (This is a GIL.) Public Act 88-194 applies to any watercraft or aircraft that a retailer maintains in his inventory after January 1, 1994. That is, if a retailer has watercraft in his inventory on January 1, 1994, and he claims the interim or demonstration use exemption on that watercraft beyond December 31, 1995, he will owe Use Tax on that watercraft.

- 94-0132 05/20/1994 an out-of-State retailer that does not have sufficient nexus with Illinois will not be required to submit to Illinois tax laws. A retailer in this situation does not incur Retailers' Occupation Tax on sales into Illinois and is not required to collect Use Tax on behalf of its Illinois Customers. However, the retailer's Illinois customers will still incur Use Tax on the purchase of the out-of-State goods and have a duty to self assess their Use Tax liability and remit the amount directly to the State. (This is a GIL.)

- 94-0134 05/20/1994 Donors owe Use Tax, under Section 150.205(c), on their cost price of tangible personal property that they purchase and give

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1994 SECOND QUARTER SUNSHINE INDEX

- away. (This is a GIL.)
- 94-0140 05/23/1994 Sales of company vehicles constitute nontaxable occasional sales so long as the seller is not otherwise engaged in the occupation of selling like-kind property. (This is a GIL.)
- 94-0141 05/25/1994 Licensees under the Illinois Horse Racing Act do incur Use Tax liability when purchasing tangible personal property for use or consumption. (This is a GIL.)
- 94-0169 06/09/1994 A construction contractor is considered the "user" of the materials that are incorporated into a construction project and would be required to pay Use Tax on the cost of the materials that are installed in Illinois. (This is a GIL.)
- 94-0203 06/17/1994 Equipment and materials that a purchaser uses in fulfilling its contract with a government agency are subject to the Illinois Use Tax even if ownership of the equipment and materials is ultimately transferred to the government agency. (This is a GIL.)
- 94-0211 06/17/1994 Operators of charter services incur Use Tax liability on the purchase of vehicles and supplies used in the charter business. (This is a GIL.)
- 94-0224 06/22/1994 If an auto dealer makes repairs to an auto in the dealer's sales inventory, neither Use Tax nor Service Use Tax is incurred on the repair parts. This is true because the repair parts will be resold when the auto is sold. (This is a GIL.)

VEHICLE USE TAX

- 94-0112 05/04/1994 The fact that a vehicle was paid for by a third party, does not change the transaction, which is the sale of the off-lease vehicle to a purchaser by a leasing company. Any subsequent transfer or sale of the vehicle by the purchaser as a private individual, will result in Vehicle Use Tax. (This is a GIL.)

VENDORS

- 94-0150 05/26/1994 Unless the exemption for bulk sales of merchandise from vending machines for 1 cent applies, the person owning property that is contained in a vending machine will incur Retailer's Occupation Tax on the gross receipts from the sale of that property. (This is a GIL.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 6, 1994 through September 12, 1994, and have been scheduled for review by the Committee at its October 11, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/20/94	Department of Professional Regulation, Illinois Occupational Therapy Practice Act (68 Ill Adm Code 1315)	7/22/94 18 Ill Reg 11447	10/11/94
10/20/94	Department of Human Rights, Procedural (56 Ill Adm Code 2520)	7/1/94 18 Ill Reg 9821	10/11/94
10/21/94	Department of Commerce and Community Affairs, Technology Advancement and Development Act Programs (14 Ill Adm Code 545)	7/22/94 18 Ill Reg 11411	10/11/94
10/23/94	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	7/15/94 18 Ill Reg 10979	10/11/94
10/23/94	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	6/24/94 18 Ill Reg 9296	10/11/94

PROCLAMATIONS

94-463

NATIONAL BASKETBALL PLAYERS ASSOCIATION-LITTLE CITY
FOUNDATION WEEKEND
(Revised)

Whereas, the 14th Annual National Basketball Players Association Awards Weekend will be held September 23-25, 1994 at the Chicago Hilton & Towers; and

Whereas, the event will be attended by civic, business and labor leaders, and sports celebrities and will benefit Little City Foundation and its Families One program; and

Whereas, Families One is an inner-city family support program that enables parents to provide care for children with developmental challenges, and it has become a pilot program for other cities around the country; and

Whereas, I have the honor of serving as General Chairman of this Illinois tradition and am proud to be joined on the committee by National Labor Chairman Thomas Hanley, of the Hotel Employees & Restaurant Employees International Union; Program Chairman Bud Solk; and the executives and staff of Little City Foundation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 23-25, 1994, as NATIONAL BASKETBALL PLAYERS ASSOCIATION-LITTLE CITY FOUNDATION WEEKEND in Illinois and urge all citizens to show their support.

Issued by the Governor August 29, 1994.

Filed with the Secretary of State September 8, 1994.

94-465

NANCY GROSBOLL HENDREN DAY

Whereas, Nancy Grosboll Hendren was born on September 1, 1914 in a farmhouse north of Petersburg, Illinois, the daughter of John B. and Doris Kirby Grosboll; and

Whereas, she received her first eight years of schooling in a one-room country schoolhouse, then graduated from Petersburg Harris High School and later went on to graduate from the University of Illinois with a degree in Home Economics; and

Whereas, she married Paul Hendren and they had two children, Paul Carter Hendren of Champaign and Jane Leathem of Carthage. They have four grandchildren, Matthew and Anne Hendren and Tammy and Thomas Leathem; and

Whereas, she has lived in Carthage, Illinois, since 1952 where she has been a very active citizen of her community, including nearly two decades working for the Memorial Hospital in Carthage; and

Whereas, she has devoted a great deal of time and public service to her community, having been an active member and leader in the First Presbyterian Church of Carthage and has helped in numerous civic causes such as the Retired Seniors Volunteer Program, Chapter J P.E.O. (a philanthropic education organization), the American Legion Auxiliary, the Carthage Women's Club, the Hancock County Cancer Society and Meals on Wheels; and

Whereas, Nancy Grosboll Hendren has been a role model as a parent and grandparent, a neighbor and friend, and a good citizen of her community and state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1, 1994, as NANCY GROSBOLL HENDREN DAY in Illinois and extend by

personal best wishes for a very happy 80th birthday.

Issued by the Governor August 26, 1994.

Filed with the Secretary of State September 8, 1994.

94-466

CARY ISRAEL DAY

Whereas, Cary Israel, Executive Director of the Illinois Community College Board, has resigned to take a new position as president of the Raritan Valley Community College in New Jersey; and

Whereas, Director Israel has had a remarkable impact on the Illinois community college system during his tenure, with accomplishments which include a statewide telecommunications initiative, educational guarantees, creation of a state-wide foundation, enhanced ICCB oversight authority, the welfare-to-work opportunities program, the Vision 2000 strategic plan for the future, Centers of Excellence in adult education, and the \$1 million Phi Theta Kappa scholarship program; and

Whereas, Director Israel's leadership and energy have been inspirational and have helped move the Illinois community college system even further into the forefront of education at the national level; and

Whereas, the agenda of the community college system closely parallels the state's agenda and has contributed greatly to the continued economic growth and development of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 15, 1994, as CARY ISRAEL DAY in Illinois and wish him, his wife, Trudy, and his daughter, Kendra, all the best in the future.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-467

CHILDREN'S SAFETY AND HEALTH DAY

Whereas, the GIV Early Childhood PTA is a group of parents and educators of children from infancy to age five; and

Whereas, the GLV Early Childhood PTA will be holding a Children's Safety and Health Expo educating parents and children on how to stay healthy and safe; and

Whereas, the GIV Early Childhood PTA's purpose is to educate parents and community members so that they may develop a better understanding of young children in terms of their emotional and mental development, safety, health, and the issues that effect them; and

Whereas, the other organizations that are participating in the Safety and Health Expo are experienced in the education of parents and children in keeping them safe and healthy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10, 1994, as CHILDREN'S SAFETY AND HEALTH DAY in Illinois.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-468

HEALTH CARE FACILITIES AND ENGINEERING DAY

Whereas, there are more than 200 acute health care facilities in Illinois

and the functioning of these facilities, which are dedicated to maintaining quality patient care, rely upon the competence of health care engineering professionals; and

Whereas, these professionals are responsible for assuring that the health care facilities are safe, comfortable, and efficient, thereby requiring members of this profession to be highly qualified and dedicated; and

Whereas, it is essential that the ideal of continued advancement be instilled in health care engineering professionals to assure that the quality of health care in Illinois continues to be one of the best;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16, 1994, as HEALTH CARE FACILITIES AND ENGINEERING DAY in Illinois, in order to draw proper attention to the important work of health care engineering professionals.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-469

HOUSEKEEPERS WEEK

Whereas, the 7,000 members of the National Executive Housekeepers Association (NEHA) are instrumental in providing the public with a vital service on a day-to-day basis; and

Whereas, these professionals are responsible for achieving a hygienic and safe environment in public and private institutions such as hotels, schools, government buildings, and health care facilities; and

Whereas, since NEHA was founded in 1930, it has endeavored to provide leadership and professional education for its members; and

Whereas, NEHA'S theme for this year's observance is "Chartering a Course for New Horizons in Excellence;"

Therefore, I Jim Edgar, Governor of the State of Illinois, proclaim September 11-17, 1994, as HOUSEKEEPERS WEEK in Illinois in conjunction with the national observance. I urge citizens to recognize the importance of this profession which is too often taken for granted.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-470

HUNTER EDUCATION WEEK

Whereas, more than 170,000 hunters have completed hunter education courses taught by certified volunteer instructors since 1976, when such education became mandatory for hunters under 16 years of age in Illinois; and

Whereas, this hunter safety education program has provided both beginning and experienced hunters with an understanding of hunting safety practices, hunter responsibility, outdoor ethics, and the need for sound wildlife management, thus enabling them to safely and responsibly enjoy the natural resources available in Illinois to the fullest extent; and

Whereas, each year Illinoisans join with wildlife agencies that sponsor hunter education programs throughout the United States and Canada for the purpose of recognizing the contribution these programs make to hunters' continued enjoyment of the sport;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18-24, 1994, as HUNTER EDUCATION WEEK in Illinois and urge all

citizens to recognize the value of proper hunters' education.
Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-471

HUNTING AND FISHING DAYS

Whereas, sportsmen have been in the forefront of the conservation movement for 100 years, willingly accepting responsibility and imposing necessary regulations on their sport; and

Whereas, not content with merely vocalizing their support, hunters and fishermen have requested special fees and taxes which help pay for wildlife management and other conservation programs, raising more than \$6 billion over the years; and

Whereas, sportsman-financed programs have led to the dramatic comeback of many species, such as the white-tailed deer and wild turkey, and have greatly benefited all wildlife; and

Whereas, as individuals and through their organizations, hunters and fishermen volunteer countless hours of their time for local conservation projects and to raise funds to safeguard our natural resources for future generations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 24-25, 1994, as HUNTING AND FISHING DAYS in Illinois, and I urge our citizens to join with hunters and anglers in continuing the effort to secure the future of our state's natural resources.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-472

ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK

Whereas, the Illinois Society for Respiratory Care is a well-known, prestigious organization of respiratory therapists who practice throughout our state; and

Whereas, respiratory therapists are involved in an extensive number of lifesaving and life-supporting activities, including care for patients afflicted with asthma, emphysema, pneumonia, and bronchitis, as well as for seriously ill patients who have suffered cardiac or respiratory arrest; and

Whereas, there are approximately 5,000 practicing respiratory specialists in our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2-8, 1994, as ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK in Illinois, in recognition of the many years of service this selfless group of medical professionals has provided to our citizens.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-473

LITERACY MONTH

Whereas, adult low literacy is a major "hidden" problem; and

Whereas, a literate society is the cornerstone of a free society; and

Whereas, the economic and social costs of adult low literacy are high, and

as society undergoes increasingly rapid technological advances, these costs escalate; and

Whereas, literacy promotes the lifelong process of self-improvement, self-esteem, provides a sense of empowerment, and increases a person's ability to reach their maximum potential, which is open to all citizens regardless of age, social, or economic status;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1994 as LITERACY MONTH in Illinois and urge all citizens to realize the problems and costs of low literacy and to show their active support and commitment to help resolve these problems.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-474

MARROW DONOR AWARENESS WEEK

Whereas, the National Marrow Donor Program (NMDP) is a nonprofit organization established in 1986 to recruit and identify volunteer donors for patients in need of unrelated bone marrow transplants; and

Whereas, the National Marrow Donor Program to date has more than 1.2 million volunteer donors on the Registry; and

Whereas, the National Marrow Donor Program has a world-wide network of transplant, -donor, and collection centers and facilitates approximately 70 transplants every month; and

Whereas, the National Marrow Donor program has established recruitment initiatives throughout the United States to encourage participation in the program by African Americans, Asian Americans, Native Americans, and Hispanics; and

Whereas, 27,484 Illinoisans have volunteered to become marrow donors and 35 transplants have been performed for patients from our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 11-17, 1994, as MARROW DONOR AWARENESS WEEK in Illinois and urge our citizens to participate in donor activities to ensure that those in need of the gift of life receive all possible assistance.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-475

NATIONAL BUSINESS ASSOCIATION DAY

Whereas, the National Business Association, located in Schaumburg, Illinois, is celebrating 12 years of continuous services to the self-employed; and

Whereas, no group of individuals better exemplifies the spirit that built this nation than the self-employed Americans, whose courage, determination, and hard work enabled them to start their own businesses, taking control of their own destiny; and

Whereas, the National Business Association is a non-profit association dedicated to assisting the self-employed in achieving their professional and personal goals; and

Whereas, the National Business Association offers their members benefits and services in the areas of business, lifestyle, health, education, and group medical insurance and is fully entrusted to advise the free enterprise system

throughout the state and nation; and

Whereas, the National Business Association provides a united voice to the self-employed American, thereby providing the support needed for the small business owner to grow;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 12, 1994, as NATIONAL BUSINESS ASSOCIATION DAY in Illinois in recognition of 12 years of service to our citizens.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-476

POW/MIA RECOGNITION DAY

Whereas, the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action; and

Whereas, many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment; and

Whereas, the National League of Families' POW/MIA flag is recognized by the federal government as the symbol of the nation's concern and commitment to accounting, as fully as possible, for Americans still prisoner, missing in action, or unaccounted for in Southeast Asia, and some 92 are from the State of Illinois; and

Whereas, the sacrifices of Americans still missing and unaccounted for from all our nation's wars and their families are deserving of national recognition and support for continued priority efforts to account for those missing Americans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16, 1994, as POW/MIA RECOGNITION DAY in Illinois and encourage the people of Illinois to observe this day with appropriate ceremonies and activities honoring all American POWs and MIAs from all our nation's wars and that the National League of Families' POW/MIA flag be displayed at the State Capitol on this day.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-477

RADIOLOGIC TECHNOLOGISTS WEEK

Whereas, expanding health services and advancing knowledge are creating an ever-increasing demand for the services of qualified radiologic technologists; and

Whereas, radiologic technologists are concerned with the conservation of life and health and the prevention of disease; and

Whereas, radiologic technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and

Whereas, the Illinois State Society of Radiologic Technologists is holding its 59th annual state conference September 14-17;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 14-17, 1994, as RADIOLOGIC TECHNOLOGISTS WEEK in Illinois.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-478

TOM RYAN DAY

Whereas, Tom Ryan, a nationally-renowned, contemporary western artist and Springfield native, will exhibit original paintings at the Springfield Art Association from September 10 to November 20, 1994; and

Whereas, this exhibit is Tom Ryan's first Home Town show; and

Whereas, Tom Ryan's career spans front covers for Western novels and magazines, calendars by Brown and Bigelow, and ranch paintings of the 6666 Ranch in Guthrie, Texas; and

Whereas, Tom Ryan has won several gold medals from Cowboy Artists of America, the Cowboy Hall of Fame, and the National Academy of Western Art; and

Whereas, Tom Ryan's original work is in collection with the National Cowboy Hall of Fame in Oklahoma City, Oklahoma; Cowboy Artists of America in Kerrville, Texas; American Quarter Horse Association Heritage Center and Museum in Amarillo, Texas; Ranching Heritage Association Museum in Lubbock, Texas; and Gilcrease Museum in Tulsa, Oklahoma; and

Whereas, on September 10, the Springfield Art Association will host an opening Exhibit and Hoedown - Texas style, honoring Contemporary Western Artist Tom Ryan; and

Whereas, Tom Ryan and his wife, Jacqueline Ruth Harvey Ryan, also a Springfield native, will attend the opening festivities for this exhibition; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10, 1994, as TOM RYAN DAY in Illinois.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-479

WOMEN IN CONSTRUCTION WEEK

Whereas, this year marks the 41st anniversary of the founding of the National Association of Women in Construction (NAWIC), and nearly 10,000 members nationwide contribute their expertise to their communities and to the construction industry; and

Whereas, the NAWIC is dedicated to furthering the education of women in their careers by providing services and programs, and young people are encouraged to pursue industry careers in architecture, civil engineering, and numerous other fields through scholarships provided by NAWIC;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 11-17, 1994, as WOMEN IN CONSTRUCTION WEEK in Illinois in recognition of the contributions women have made to the construction industry.

Issued by the Governor August 31, 1994.

Filed with the Secretary of State September 8, 1994.

94-480

FAMILY HEALTH MONTH

Whereas, Illinois family physicians have a history of dedication to our health and well-being and a continued commitment to upgrade the quality of available medical care; and

Whereas, family practice is the specialty that provides training in the treatment of all age groups and organ systems, as well as in obstetrical care which is so needed in the state's many medically underserved areas; and
Whereas, family physicians believe prevention and early diagnosis of healthcare problems provide a better chance for complete cure and recovery and the most timely and cost-effective form of healthcare delivery; and

Whereas, there has been a call to improve the supply of primary care physicians--especially family physicians--to provide the type of comprehensive, preventive care that is necessary in a reformed cost-effective and efficient healthcare system; and

Whereas, there is a shortage of family physicians and other primary care physicians to provide care to the families in Illinois; and

Whereas, the Illinois Academy of Family Physicians is committed to making family physicians available to all citizens of our state to promote the importance of regular checkups and wellness;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1994 as FAMILY HEALTH MONTH in Illinois.

Issued by the Governor September 1, 1994.

Filed with the Secretary of State September 8, 1994.

94-481

FAMILY HISTORY MONTH

Whereas, the Illinois State Genealogical Society was founded in October 1969 to promote the study of family history and to provide education in genealogical research, and recently celebrated its 25th anniversary; and

Whereas, the Illinois State Genealogical Society serves as an umbrella institution for 122 local societies throughout the state; and

Whereas, members of this society and local societies are working to collect, preserve, and disseminate family information on the early citizens of Illinois through its public records, as well as the records of old churches, businesses, and families; and

Whereas, the history of a community, county, state, and nation can best be told through the lives of its citizens, and the reconstruction of details of an ancestor's life can bring about an incomparable sense of identity and awareness of one's place in history; and

Whereas, the Illinois State Genealogical Society wishes to join with other state genealogical societies nationwide, and particularly with the Monmouth County (New Jersey) Genealogical Club, originator of this promotion; and
Whereas, the United Nations has declared 1994 as The International Year of the Family;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1994 as FAMILY HISTORY MONTH in Illinois.

Issued by the Governor September 1, 1994.

Filed with the Secretary of State September 8, 1994.

94-482

JOSEPH LEO AND MARY RITA POWERS DAY

Whereas, Joseph Leo Powers, a lifelong resident of Wapella, has served the citizens of Illinois through commitment to the United States Army, Agricultural Stabilization and Conservation Service, American Red Cross, and Illinois Farm Bureau; and

Whereas, Mary Rita Powers, formerly of Merna and Bloomington, and currently a resident of Wapella, Illinois, has served the citizens of Illinois through consistently and frequently answering the call of public and private charity; and

Whereas, Joseph Leo Powers has dedicated 50 years of his professional life to the successful operation, management, growth, and stewardship of the Illinois farm which has been owned and operated by his family for more than 120 years; and

Whereas, Mary Rita Powers has dedicated 15 years of her professional life to an Illinois-based insurance company and 35 years to the successful operation and management of a busy household and the family farm; and

Whereas, Joseph Leo and Mary Rita Powers have supported their four children for a combined total of 71 years of elementary, secondary, undergraduate, and graduate education in the State of Illinois public school system; and

Whereas, Joseph Leo and Mary Rita have made immeasurable contributions to their family, friends, church, and community through their dedication, generosity, tolerance, loyalty, humility, fairness, and humor; and

Whereas, September 12, 1994, is the 35th anniversary of the marriage of Joseph Leo and Mary Rita Powers, and September 17, 1994, is the date on which their anniversary will be celebrated;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 17, 1994, as JOSEPH LEO AND MARY RITA POWERS DAY in Illinois.

Issued by the Governor September 1, 1994.

Filed with the Secretary of State September 8, 1994.

94-483

PRINCIPAL'S WEEK

Whereas, the principal is the recognized educational leader of a school; and

Whereas, the principal creates the vision and sets the expectation for a high level of student achievement and faculty performance; and

Whereas, the principal establishes a positive climate for learning and the attainment of educational goals; and

Whereas, the State of Illinois recognizes and salutes the accomplishments, skills and commitment to excellence of its principals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23-29, 1994, as PRINCIPAL'S WEEK in Illinois.

Issued by the Governor September 1, 1994.

Filed with the Secretary of State September 8, 1994.

94-484

CHILD AND YOUTH CARE WORKER WEEK

Whereas, professional child and youth care workers provide a nurturing atmosphere, treatment, and support of children and youth in treatment centers, hospitals, institutions, day care programs, community centers, schools, and homes; and

Whereas, they are dedicated to taking an active, responsible role in meeting the regular and special needs of the children they care for; and

Whereas, in Illinois, more than 5,000 child and youth care workers contribute not only to the well-being of their charges, but to the economy and

welfare of the entire State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22-28, 1994, as CHILD AND YOUTH CARE WORKER WEEK in Illinois in recognition of their Midwest Regional Child and Youth Care Conference taking place in Illinois.

Issued by the Governor September 2, 1994.

Filed with the Secretary of State September 8, 1994.

94-485

MOTHERS OF TWINS AND MULTIPLES WEEK

Whereas, for 32 years, the Mothers of Twins Club, a national organization with a statewide membership of 1,239, has offered support to parents who face one of life's more unique situations; and

Whereas, the club focuses on bringing together parents, educators, and physicians to exchange information of the rearing, development, and recognition of the individuality of twins; and

Whereas, the club is hosting its 32nd annual convention October 14-15, 1994, in Schaumburg/Woodfield, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10-16, 1994, as MOTHERS OF TWINS AND MULTIPLES WEEK in Illinois.

Issued by the Governor September 2, 1994

Filed with the Secretary of State September 8, 1994.

94-486

MIRACLE REVIVAL CENTER CHURCH DAY

Whereas, we should recognize and appreciate the significant contributions made by local churches to better their communities; and

Whereas, the Miracle Revival Center Church will host a black tie gala to celebrate a quarter century of ministry on September 16; and

Whereas, this celebration will serve to acknowledge the Miracle Revival Center's role in improving the quality of life for the residents of Maywood and surrounding communities; and

Whereas, Bishop Willie J. Chambliss is founder and pastor of the Miracle Revival Center Church and has evolved as one of this community's most respected leaders; and

Whereas, this week of festivities will raise more than \$30,000 that will be used to improve the various ministries within this organization and the manner in which each is implemented to better serve the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16, 1994, as MIRACLE REVIVAL CENTER CHURCH DAY in Illinois.

Issued by the Governor September 6, 1994.

Filed with the Secretary of State September 8, 1994.

94-487

ADULT DAY CARE CENTER WEEK

Whereas, the week of September 18-24 has been designated as National Adult Day Care Center Week and the occasion will be observed in communities throughout the country; and

Whereas, community-based adult day care centers offer companionship, meals, support, and care while striving to help older citizens live

independently and provide an alternative to institutionalized care; and

Whereas, Illinois adult day care centers are among the best in the nation, delivering top quality care to older people who need assistance--including victims of Alzheimer's Disease and related disorders--while offering respite to family caregivers; and

Whereas, the important services provided by adult day care centers keep family together and allow older family members to live at home and be involved in the lives of younger generations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18-24, 1994, as ADULT DAY CARE CENTER WEEK in Illinois and encourage all Illinoisans to join me in recognizing the contributions of adult day care centers to the welfare and happiness of older citizens and family caregivers.

Issued by the Governor September 7, 1994.

Filed with the Secretary of State September 8, 1994.

94-488

CARRIE L. REDEBAUGH LEVI DAY

Whereas, Caroline L. Redebaugh Levi has dedicated her life to her community, state, and nation through her professional, technical, and management experience in the field of health care services and education; and

Whereas, her experience transcends the fields of health care, administration, facilitator of human service, and author of numerous professional health care publications; and

Whereas, Ms. Levi has been recognized by the past three lieutenant governors of Illinois for initiating the Senior Legislative Forum, the Senior Action Centers in Springfield and Chicago, as a charter member of the Illinois State Council on Aging, and as a delegate to the 1961, 1971, and 1981 White House Conference on Aging; and

Whereas, Ms. Levi has received public recognition in the Who's Who in the Midwest, Personalities of the West and Midwest, Dictionary of International Biographies, the World Who's Who of Women, and the Who's Who of the World; and

Whereas, Ms. Levi's involvement in her community, state, and nation and her personal and professional achievements have earned her the coveted recognition of being nominated and accepted to the first statewide 1994 Senior Illinoisan Hall of Fame;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 11, 1994, as CARRIE L. REDEBAUGH LEVI DAY in Illinois.

Issued by the Governor September 7, 1994.

Filed with the Secretary of State September 8, 1994.

94-489

CHICAGO TEEN CHALLENGE DAY

Whereas, Chicago Teen Challenge is a nonprofit organization incorporated in the State of Illinois; and

Whereas, Chicago Teen Challenge operates a year-long residential program that helps men caught in gangs, drug addiction, and alcohol abuse find help for their problems; and

Whereas, a study conducted by the National Institute on Drug Abuse found that a Teen Challenge program had an 86 percent cure rate for heroin addiction, and that Chicago Teen Challenge, using the same approach for all addiction, has a cure rate of more than 70 percent; and

Whereas, since 1961, the Chicago Teen Challenge program has been making substantial contributions to the health and welfare of thousands of Illinois citizens; and

Whereas, Chicago Teen Challenge will celebrate 33 years of service at its annual fund-raising banquet on September 19;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 19, 1994, as CHICAGO TEEN CHALLENGE DAY in Illinois and congratulate Chicago Teen Challenge on its worthwhile efforts.

Issued by the Governor September 7, 1994.

Filed with the Secretary of State September 8, 1994.

94-490

MINORITY ENTERPRISE DEVELOPMENT WEEK

Whereas, Minority Enterprise Development Week is a annual celebration of the contributions and achievements made by minority businesses in Illinois and throughout the United States; and

Whereas, our state's growth and prosperity depend on the full participation of all Illinois citizens; and Whereas, it is the policy in Illinois to promote and encourage the economic development of minority-owned businesses; and

Whereas, for the past 10 years, this state has made great advances in increasing the participation of the minority community in state business; and

Whereas, on September 28, business and professional leaders from across the region will join together at the 12th Annual Minority Enterprise Development Week luncheon and awards ceremony to honor Chicago's outstanding minority business entrepreneurs for 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 28-October 5, 1994, as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois in recognition of the contributions and achievements of minority entrepreneurs in Chicago and throughout our state.

Issued by the Governor September 7, 1994.

Filed with the Secretary of State September 8, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PR - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR* Objections	S - Suspension ordered by JCAR*
O - JCAR* Statement of Objections	W - Withdrawal to meet JCAR*
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-14225/93;A-609)
(E-5355) (P-5027) (A-13375)
89 Ill. Adm. Code 260 Long-Term Care Insurance Partnership
Demonstration Program (P-3802; A-9895)
89 Ill. Adm. Code 230 Older Americans Act Program (P-5720) (A-14072)

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8 Ill. Adm. Code 30 Animal Control Act (P-8972)
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act
(P-14717/93;A-1825) (P-8981) (P-9027)
8 Ill. Adm. Code 25 Animal Welfare Act (P-8993)
8 Ill. Adm. Code 75 Bovine Brucellosis (P-14728/93;A-1833)
8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program
(P-14288/93; A-205)
8 Ill. Adm. Code 20 Definitions (P-14793;A-1844)
8 Ill. Adm. Code 85 Diseased Animals (P-14747/93;A-1850)
8 Ill. Adm. Code 116 Equine Infectious Anemia Control
(P-14761/93;A-1861)
68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing
(P-14765/93;A-1865)
68 Ill. Adm. Code 70 Horsemeat (P-9003)
8 Ill. Adm. Code 50 Human Slaughter of Livestock (P-9011)
8 Ill. Adm. Code 35 Humane Care for Animals Act (P-9008)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 325	Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765)
89 Ill. Adm. Code 336	Appeal Of Child Abuse And Neglect Investigation Findings (P-11407)
89 Ill. Adm. Code 434	Audits, Reviews and Investigations (P-7115/93;A-6697) (P-8777) (E-8944)
89 Ill. Adm. Code 380	Background Check of Foster Family Home Applicants (PR-8779)
89 Ill. Adm. Code 385	Background Checks (P-8219)
89 Ill. Adm. Code 358	Background Inquiry for Purchase of Service Providers (PR-8786)
89 Ill. Adm. Code 305	Client Service Planning (P-6467)
89 Ill. Adm. Code 431	Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951)
89 Ill. Adm. Code 428	Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
89 Ill. Adm. Code 437	Department of Children and Family Services Employees Conflict of Interest (P-7539)
89 Ill. Adm. Code 384	Discipline & Behavior Management in Child Care Facilities (E-8474) (P-8528)
89 Ill. Adm. Code 314	Educational Services (P-17593/93; A-8366)
89 Ill. Adm. Code 406	Licensing Standards for Day Care Homes (P-2683) (P-11964/93;A-5531) (RC-3152)
89 Ill. Adm. Code 402	Licensing Standards for Foster Family Homes (P-8237; RC-10499) (E-8481)
89 Ill. Adm. Code 408	Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93;A-5540) (RC-3153)
89 Ill. Adm. Code 308	Nondiscrimination Requirements of Department Service Providers (A-11510)
89 Ill. Adm. Code 356	Rate Setting (A-11512)
89 Ill. Adm. Code 335	Relative Home Placements (P-6681/93;A-7444) (E-14436)
89 Ill. Adm. Code 300	Reports of Child Abuse & Neglect (P-18271/93;A-8377) (P-8240) (P-15218/93;A-8601)
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80 Ill. Adm. Code 1	Civil Service Commission (P-13525)
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80 Ill. Adm. Code 250	State Universities Civil Service System (P-18453/93;A-1901)
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68 Ill. Adm. Code 610	Livestock Dealer Licensing (P-14775/93;A-1875)
8 Ill. Adm. Code 125	Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622) (PP-6442) (PP-8493) (A-11489) (PP-12540) (PP-14475)
8 Ill. Adm. Code 515	Refrigerated Warehouse Act (P-9033)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-14781/93;A-1880) (P-13519)
8 Ill. Adm. Code 600	Weights and Measures Act (E-4426) (A-8519)
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14 Ill. Adm. Code 200	Franchise Disclosure Act (PP-2522)
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2 Ill. Adm. Code 600	Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440)
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38 Ill. Adm. Code 335	Unimpaired Capital & Unimpaired Surplus (E-11662) (P-13169)
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80 Ill. Adm. Code 302	Merit & Fitness (P-14788/93;A-1892) (P-12937)
80 Ill. Adm. Code 310	Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146) (PP-9562) (P-10979) (E-11299) (P-12008) (PP-13476) (P-14256) (E-14417)
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17 Ill. Adm. Code 650	White-Tailed Deer Hunting by Use of Firearms (P-21927/93;A-5859) (P-7180) (A-13431)
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94-358	Dr. R.H. Harris Day	11681
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94-369	Dolphin Family Days	12561
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94-374	Ethnic Museum And Cultural Display Day	12562
94-375	Illinois Small Business Development Center Network Congratulated	12563
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94-377	Help Retarded Citizens Days	12564
94-378	Hillsboro Bluegrass Music Days	12564
94-379	Ladies Pro Bowlers Tour Week	12564
94-380	Maine Township Day	12565
94-381	Pete Frantz Day	12565
94-382	Rainbows Month	12566
94-383	Gang Awareness Week	13164
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94-388	Hispanic Evangelical Youth Week	12929
94-389	Illinois Connection Day	12930
94-390	Lions Candy Day	12930
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94-392	Americans With Disabilities Act Day	12931
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94-396	Easter Seal Day	12932
94-397	Gil Peterson Day	12933
94-398	Vocational Student Organization Week	12933
94-399	Iron Overload Diseases Awareness Week	12934

94-441 Eastern Illinois University's 100th Anniversary
Official Kickoff

94-448 Eric R. Brown Recognized
94-449 George Anderson Recognized
94-450 John S. Townsley Recognized
94-451 Lynn Philyaw Recognized
94-452 Mary Townsley Recognized
94-453 Morris W. Leighton Day
94-454 National Pan-Hellenic Day
94-455 Robert B. Boggs Recognized
94-456 Robert D. Brown Recognized
94-457 Roger Greene Recognized
94-458 Tena L. Brown Recognized
94-459 Theo Plaines Recognized
94-460 William Daniel Cooper Recognized
94-461 American Energy Awareness Month
94-462 India Week
94-463 National Basketball Players Association-Little
City Foundation Weekend

94-463 National Basketball Players Association-Little
City Foundation Weekend

94-464 We Remember, We Care For Indigent Persons Day

94-465 Nancy Grosboll Hendren Day

94-467 Children's Safety And Health Day

94-468 Health Care Facilities And Engineering Day

94-469 Housekeepers Week

94-470 Hunter Education Week

94-471 Hunting And Fishing Days

94-472 Illinois Society For Respiratory Care Week

94-473 Literacy Month

94-474 Marrow Donor Awareness Week

94-475 National Business Association Day

94-476 POW/MIA Recognition Day

94-477 Radiologic Technologists Week

94-478 Tom Ryan Day

94-479 Women In Construction Week

94-480 Family Health Month

94-481 Family History Month

94-482 Joseph Leo and Mary Rita Powers Day

94-483 Principal's Week

94-484 Child And Youth Care Worker Week

94-485 Mothers of Twins and Multiples Week

94-486 Miracle Revival Center Church Day

94-487 Adult Day Care Center Week

94-488 Carrie L. Redebaugh Levi Day

94-489 Chicago Teen Challenge Day

94-490 Minority Enterprise Development Week

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-6520). The codes are listed below.

TYPE OF RULE MAKING

ACTION CODE

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = reclassified
= renumbered

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction
R = Refusal

PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
EC = Expedited Correction
C = Correction

1984	100,670	am	(P-7087/A-13067)	220,285	am	(P-13307/93;A-4758)
	100,680	am	(P-7087/A-13067)	220,300	am	(P-13307/93;A-4758)
	100,710	am	(P-7087/A-13067)	220,460	am	(P-13307/93;A-4758)
	100,735	am	(P-7087/A-13067)	220,500	am	(P-13307/93;A-4758)
	100,740	am	(P-7087/A-13067)	220,600	am	(P-13307/93;A-4758)
	100,810	am	(P-7087/A-13067)	220,700	am	(P-13307/93;A-4758)
	100,815	am	(P-7087/A-13067)	220,760	am	(P-13307/93;A-4758)
	100,820	am	(P-7087/A-13067)	220,780	am	(P-13307/93;A-4758)
	100,800	am	(P-7087/A-13067)	220,800	am	(P-13307/93;A-4758)
	100,100	am	(P-7087/A-13067)	220,900	am	(P-13307/93;A-4758)
	100,101	am	(P-7087/A-13067)	220,950	am	(P-13307/93;A-4758)
	100,102	am	(P-7087/A-13067)	220,1000	am	(P-13307/93;A-4758)
	100,103	am	(P-7087/A-13067)	220,1100	am	(P-13307/93;A-4758)
	100,1025	am	(P-7087/A-13067)	220,1150	am	(P-13307/93;A-4758)
	100,1030	am	(P-7087/A-13067)	220,1250	am	(P-13307/93;A-4758)
	100,1100	am	(P-7087/A-13067)	220,1200	am	(P-13307/93;A-4758)
	100,1110	am	(P-7087/A-13067)	220,1300	am	(P-13307/93;A-4758)
	100,1115	am	(P-7087/A-13067)	220,1300	am	(P-13307/93;A-4758)
	100,1120	am	(P-7087/A-13067)	220,1300	am	(P-13307/93;A-4758)
	100,1130	am	(P-7087/A-13067)	220,Ex.A	am	(P-13307/93;A-4758)
	100,1140	am	(P-7087/A-13067)	220,Ex.C	am	(P-13307/93;A-4758)
	100,1150	am	(P-7087/A-13067)	220,Ex.D	am	(P-13307/93;A-4758)
	100,1200	am	(P-7087/A-13067)	220,Ex.E	am	(P-13307/93;A-4758)
	100,1210	am	(P-7087/A-13067)	220,Ex.F	am	(P-13307/93;A-4758)
	100,1210	am	(P-7087/A-13067)	220,Ex.G	am	(P-13307/93;A-4758)
	100,Ap.E.I.I.A	am	(P-7087/A-13067)	220,Ex.I	am	(P-13307/93;A-4758)
	100,Ap.E.I.I.C	am	(P-7087/A-13067)	220,Ex.J	am	(P-13307/93;A-4758)
	100,Ap.E.I.I.D	am	(P-7087/A-13067)	220,Ex.K	am	(P-13307/93;A-4758)
	210	re	(A-7487)	255,10	n	(E-5359/P-6792)
	210,100	am	(P-13268/93;A-4739)	255,20	n	(E-5359/P-6792)
	210,200	am	(P-13268/93;A-4739)	230	re	(A-7488)
	210,300	am	(P-13268/93;A-4739)	230,100	am	(P-13223/93;A-1233)
	210,400	am	(P-13268/93;A-4739)	230,200	am	(P-13223/93;A-1233)
	210,500	am	(P-13268/93;A-4739)	230,300	am	(P-13223/93;A-1233)
	220	re	(CC-7500)	230,350	am	(P-13223/93;A-1233)
	220,100	am	(P-13307/93;A-4758)	230,375	am	(P-13223/93;A-1233)
	220,150	am	(P-13307/93;A-4758)	230,400	am	(P-13223/93;A-1233)
	220,600	am	(P-7087/A-13067)	230,400	am	(P-13223/93;A-1233)
	100,640	am	(P-7087/A-13067)	230,550	am	(P-13223/93;A-1233)
	100,655	am	(P-7087/A-13067)			
	100,660	am	(P-7087/A-13067)			

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(Title 20, cont.)

1810.520	n	(P-20516/93A-4834)	180.100	n	(P-9871)	n	(P-9733)	r
1810.530	n	(P-20516/93A-4834)	180.110	n	(P-9871)	n	(P-9733)	r
1810.540	n	(P-20516/93A-4834)	180.120	n	(P-9871)	n	(P-9733)	r
1810.550	n	(P-20516/93A-4834)	180.200	n	(P-9871)	n	(P-9733)	r
1810.600	n	(P-20516/93A-4834)	180.210	n	(P-9871)	n	(P-9733)	r
1810.610	n	(P-20516/93A-4834)	180.220	n	(P-9871)	n	(P-9733)	r
1810.620	n	(P-20516/93A-4834)	180.230	n	(P-9871)	n	(P-9733)	r
1810.700	n	(P-20516/93A-4834)	180.300	n	(P-9871)	n	(P-9733)	r
1810.710	n	(P-20516/93A-4834)	180.310	n	(P-9871)	n	(P-9733)	r
1810.720	n	(P-20516/93A-4834)	180.320	n	(P-9871)	n	(P-9733)	r
1810.800	n	(P-20516/93A-4834)	180.330	n	(P-9871)	n	(P-9733)	r
1810.900	n	(P-20516/93A-4834)	180.400	n	(P-9871)	n	(P-9733)	r
1810.910	n	(P-20516/93A-4834)	180.410	n	(P-9871)	n	(P-9733)	r
1810.1010	n	(P-20516/93A-4834)	180.420	n	(P-9871)	n	(P-9733)	r
1810.1020	n	(P-20516/93A-4834)	180.500	n	(P-9871)	n	(P-9733)	r
1810.1100	n	(P-20516/93A-4834)	180.510	n	(P-9871)	n	(P-9733)	r
1810.1110	n	(P-20516/93A-4834)	180.520	n	(P-9871)	n	(P-9733)	r
1810.1120	n	(P-20516/93A-4834)	180.530	n	(P-9871)	n	(P-9733)	r
1810.1130	n	(P-20516/93A-4834)	180.600	n	(P-9871)	n	(P-9733)	r
1810.1140	n	(P-20516/93A-4834)	180.610	n	(P-9871)	n	(P-9733)	r
1810.1150	am	(P-10079/93A-1171)	180.620	n	(P-9871)	n	(P-9733)	r
1810.1160	n	(P-10079/93A-1171)	180.625	n	(P-9871)	n	(P-9733)	r
1810.1170	am	(P-10079/93A-1171)	180.630	n	(P-9871)	n	(P-9733)	r
1810.1180	am	(P-10079/93A-1171)	180.635	n	(P-9871)	n	(P-9733)	r
1810.1190	am	(P-10079/93A-1171)	180.640	n	(P-9871)	n	(P-9733)	r
1810.1200	am	(P-10079/93A-1171)	180.645	n	(P-9871)	n	(P-9733)	r
1810.1210	am	(P-10079/93A-1171)	180.650	n	(P-9871)	n	(P-9733)	r
1810.1220	am	(P-10079/93A-1171)	180.655	n	(P-9871)	n	(P-9733)	r
1810.1230	am	(P-10079/93A-1171)	180.660	n	(P-9871)	n	(P-9733)	r
1810.1240	n	(P-10079/93A-1171)	210.10	n	(P-10061/93A-1169)	n	(P-9781)	n
1810.1250	n	(P-10079/93A-1171)	210.100	r	(P-10061/93A-1169)	n	(P-9781)	n
1810.1260	1 App.E	(P-10079/93A-1171)	210.110	r	(P-10061/93A-1169)	n	(P-9781)	n
1810.1270	1 App.F	(P-10079/93A-1171)	210.120	r	(P-10061/93A-1169)	n	(P-9781)	n
1810.1280	1 App.G	(P-10079/93A-1171)	210.130	n	(P-10061/93A-1169)	n	(P-9781)	n
1110.15	am	(P-9776)	210.140	n	(P-10061/93A-1169)	n	(P-9781)	n
1110.20	am	(P-12628/93A-5178)	210.150	n	(P-10061/93A-1169)	n	(P-9781)	n
1110.25	am	(P-12628/93A-5178)	210.200	n	(P-10061/93A-1169)	n	(P-9781)	n
1110.40	am	(P-12628/93A-5178)	210.210	n	(P-10061/93A-1169)	n	(P-9781)	n
1110.50	am	(P-12628/93A-5178)	210.220	n	(P-10061/93A-1169)	n	(P-9781)	n
1110.90	am	(P-12628/93A-5178)	226.5	am	(P-6482)	n	(P-17611/93A-5551)	r
1110.100	am	(P-12628/93A-5178)	226.430	am	(P-9810)	n	(P-17611/93A-5551)	r
1110.110	am	(P-12628/93A-5178)	226.435	am	(P-13231/93A-1930)	n	(P-17611/93A-5551)	r
1110.115	am	(P-12628/93A-5178)	226.535	am	(P-6482)	n	(P-17611/93A-5551)	r
1110.120	n	(P-12628/93A-5178)	226.552	am	(P-6482)	n	(P-17611/93A-5551)	r
1110.125	n	(P-12628/93A-5178)	226.560	am	(P-6482)	n	(P-17611/93A-5551)	r
1110.135	n	(P-12628/93A-5178)	226.562	am	(P-6482)	n	(P-17611/93A-5551)	r
1110.Tb.A	am	(P-12628/93A-5178)	226.564	am	(P-18405/93A-4685)	n	(P-17611/93A-5551)	r
1110.Tb.B	am	(P-12628/93A-5178)	226.575	am	(P-6482)	n	(P-17611/93A-5551)	r
1110.Tb.C	am	(P-12628/93A-5178)	226.640	am	(P-18405/93A-4685)	n	(P-17611/93A-5551)	r
1110.Tb.D	am	(P-12628/93A-5178)	226.680	am	(P-18405/93A-4685)	n	(P-17611/93A-5551)	r
120.205	n	(E-2853)	226.682	am	(P-6482)	n	(P-17611/93A-5551)	r
170.10	n	(P-18419/93A-4699)	226.688	am	(P-18405/93A-4685)	n	(P-17611/93A-5551)	r
170.20	n	(P-18419/93A-4699)	226.690	am	(P-18405/93A-4685)	n	(P-17611/93A-5551)	r
170.30	n	(P-18419/93A-4699)	245.10	n	(P-10131/93A-237)	n	(P-17611/93A-5551)	r
170.40	n	(P-18419/93A-4699)	245.20	n	(P-10131/93A-237)	n	(P-17611/93A-5551)	r
170.50	n	(P-18419/93A-4699)	245.30	n	(P-10131/93A-237)	n	(P-17611/93A-5551)	r
180.10	n	(P-9671)	245.40	n	(P-10131/93A-237)	n	(P-17611/93A-5551)	r
180.20	n	(P-9671)	245.50	n	(P-10131/93A-237)	n	(P-17611/93A-5551)	r
180.40	n	(P-9671)	252.20	am	(P-8557)	n	(P-17611/93A-5551)	r
180.50	n	(P-9671)	252.25	n	(P-8557)	n	(P-17611/93A-5551)	r
180.60	n	(P-9671)	253.30	am	(P-9756)	n	(P-17611/93A-5551)	r
180.70	n	(P-9671)	401.10	n	(P-9733)	n	(P-5515A-1413)	am
180.80	n	(P-9671)	180.80	n	(P-9733)	n	(P-5515A-1413)	am
180.90	n	(P-9671)	401.20	n	(P-9756)	n	(P-5515A-1413)	am

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(Title 23, con't)

1300.40	am	(P-5515/A-14143)	2772.210	re	(A-10279)	3070.160	am	(P-19460/93/A-4981)
1300.50	am	(P-5515/A-14143)	2772.220	re	(A-10279)	3070.170	am	(P-19460/93/A-4981)
1300.60	am	(P-5515/A-14143)	2772.230	re	(A-10279)			
1300.70	am	(P-5515/A-14143)	2772.240	re	(A-10279)			
1300.80	am	(P-5515/A-14143)	2772.250	re	(A-10279)			
1300.90	am	(P-5515/A-14143)	2772.260	re	(A-10279)			
1300.100	am	(P-5515/A-14143)	2772.270	re	(A-10279)			
1300.120	am	(P-5515/A-14143)	2772.280	re	(A-10279)			
1300.130	am	(P-5515/A-14143)	2772.290	re	(A-10279)			
1300.140	am	(P-5515/A-14143)	2772.300	re	(A-10279)			
1300.150	am	(P-5515/A-14143)	2772.310	re	(A-10279)			
1300.160	am	(P-5515/A-14143)	2772.320	re	(A-10279)			
1300.170	am	(P-5515/A-14143)	2772.330	re	(A-10279)			
1300.180	am	(P-5515/A-14143)	2772.340	re	(A-10279)			
1300.190	am	(P-5515/A-14143)	2772.350	re	(A-10279)			
1300.200	am	(P-5515/A-14143)	2772.360	re	(A-10279)			
1300.210	am	(P-5515/A-14143)	2772.370	re	(A-10279)			
1300.220	am	(P-5515/A-14143)	2772.380	re	(A-10279)			
1300.230	am	(P-5515/A-14143)	2772.390	re	(A-10279)			
1300.240	am	(P-5515/A-14143)	2772.400	re	(A-10279)			
1300.250	am	(P-5515/A-14143)	2772.410	re	(A-10279)			
1300.260	am	(P-5515/A-14143)	2772.420	re	(A-10279)			
1300.270	am	(P-5515/A-14143)	2772.430	re	(A-10279)			
1300.280	am	(P-5515/A-14143)	2772.440	re	(A-10279)			
1300.290	am	(P-5515/A-14143)	2772.450	re	(A-10279)			
1501.301	am	(P-569/A-8906)	2772.460	re	(A-10279)			
1501.302	am	(P-569/A-8906)	2772.470	re	(A-10279)			
1501.303	am	(P-569/A-8906)	2772.480	re	(A-10279)			
1501.304	am	(P-569/A-8906)	2772.490	re	(A-10279)			
1501.305	am	(P-569/A-8906)	2772.500	re	(A-10279)			
1501.306	am	(P-569/A-8906)	2772.510	re	(A-10279)			
1501.307	am	(P-569/A-8906)	2772.520	re	(A-10279)			
1501.308	am	(P-569/A-8906)	2772.530	re	(A-10279)			
1501.309	am	(P-569/A-8906)	2772.540	re	(A-10279)			
1501.310	am	(P-569/A-8906)	2772.550	re	(A-10279)			
1501.311	am	(P-569/A-8906)	2772.560	re	(A-10279)			
1501.312	am	(P-569/A-8906)	2772.570	re	(A-10279)			
1501.313	am	(P-569/A-8906)	2772.580	re	(A-10279)			
1501.314	am	(P-569/A-8906)	2772.590	re	(A-10279)			
1501.315	am	(P-569/A-8906)	2772.600	re	(A-10279)			
1501.316	am	(P-569/A-8906)	2772.610	re	(A-10279)			
1501.317	am	(P-569/A-8906)	2772.620	re	(A-10279)			
1501.318	am	(P-569/A-8906)	2772.630	re	(A-10279)			
1501.319	am	(P-569/A-8906)	2772.640	re	(A-10279)			
1501.320	am	(P-569/A-8906)	2772.650	re	(A-10279)			
1501.321	am	(P-569/A-8906)	2772.660	re	(A-10279)			
1501.322	am	(P-569/A-8906)	2772.670	re	(A-10279)			
1501.323	am	(P-569/A-8906)	2772.680	re	(A-10279)			
1501.324	am	(P-569/A-8906)	2772.690	re	(A-10279)			
1501.325	am	(P-569/A-8906)	2772.700	re	(A-10279)			
1501.326	am	(P-569/A-8906)	2772.710	re	(A-10279)			
1501.327	am	(P-569/A-8906)	2772.720	re	(A-10279)			
1501.328	am	(P-569/A-8906)	2772.730	re	(A-10279)			
1501.329	am	(P-569/A-8906)	2772.740	re	(A-10279)			
1501.330	am	(P-569/A-8906)	2772.750	re	(A-10279)			
1501.331	am	(P-569/A-8906)	2772.760	re	(A-10279)			
1501.332	am	(P-569/A-8906)	2772.770	re	(A-10279)			
1501.333	am	(P-569/A-8906)	2772.780	re	(A-10279)			
1501.334	am	(P-569/A-8906)	2772.790	re	(A-10279)			
1501.335	am	(P-569/A-8906)	2772.800	re	(A-10279)			
1501.336	am	(P-569/A-8906)	2772.810	re	(A-10279)			
1501.337	am	(P-569/A-8906)	2772.820	re	(A-10279)			
1501.338	am	(P-569/A-8906)	2772.830	re	(A-10279)			
1501.339	am	(P-569/A-8906)	2772.840	re	(A-10279)			
1501.340	am	(P-569/A-8906)	2772.850	re	(A-10279)			
1501.341	am	(P-569/A-8906)	2772.860	re	(A-10279)			
1501.342	am	(P-569/A-8906)	2772.870	re	(A-10279)			
1501.343	am	(P-569/A-8906)	2772.880	re	(A-10279)			
1501.344	am	(P-569/A-8906)	2772.890	re	(A-10279)			
1501.345	am	(P-569/A-8906)	2772.900	re	(A-10279)			
1501.346	am	(P-569/A-8906)	2772.910	re	(A-10279)			
1501.347	am	(P-569/A-8906)	2772.920	re	(A-10279)			
1501.348	am	(P-569/A-8906)	2772.930	re	(A-10279)			
1501.349	am	(P-569/A-8906)	2772.940	re	(A-10279)			
1501.350	am	(P-569/A-8906)	2772.950	re	(A-10279)			
1501.351	am	(P-569/A-8906)	2772.960	re	(A-10279)			
1501.352	am	(P-569/A-8906)	2772.970	re	(A-10279)			
1501.353	am	(P-569/A-8906)	2772.980	re	(A-10279)			
1501.354	am	(P-569/A-8906)	2772.990	re	(A-10279)			
1501.355	am	(P-569/A-8906)	2773.000	re	(A-10279)			
1501.356	am	(P-569/A-8906)	2773.010	re	(A-10279)			
1501.357	am	(P-569/A-8906)	2773.020	re	(A-10279)			
1501.358	am	(P-569/A-8906)	2773.030	re	(A-10279)			
1501.359	am	(P-569/A-8906)	2773.040	re	(A-10279)			
1501.360	am	(P-569/A-8906)	2773.050	re	(A-10279)			
1501.361	am	(P-569/A-8906)	2773.060	re	(A-10279)			
1501.362	am	(P-569/A-8906)	2773.070	re	(A-10279)			
1501.363	am	(P-569/A-8906)	2773.080	re	(A-10279)			
1501.364	am	(P-569/A-8906)	2773.090	re	(A-10279)			
1501.365	am	(P-569/A-8906)	2773.100	re	(A-10279)			
1501.366	am	(P-569/A-8906)	2773.110	re	(A-10279)			
1501.367	am	(P-569/A-8906)	2773.120	re	(A-10279)			
1501.368	am	(P-569/A-8906)	2773.130	re	(A-10279)			
1501.369	am	(P-569/A-8906)	2773.140	re	(A-10279)			
1501.370	am	(P-569/A-8906)	2773.150	re	(A-10279)			
1501.371	am	(P-569/A-8906)	2773.160	re	(A-10279)			
1501.372	am	(P-569/A-8906)	2773.170	re	(A-10279)			
1501.373	am	(P-569/A-8906)	2773.180	re	(A-10279)			
1501.374	am	(P-569/A-8906)	2773.190	re	(A-10279)			
1501.375	am	(P-569/A-8906)	2773.200	re	(A-10279)			
1501.376	am	(P-569/A-8906)	2773.210	re	(A-10279)			
1501.377	am	(P-569/A-8906)	2773.220	re	(A-10279)			
1501.378	am	(P-569/A-8906)	2773.230	re	(A-10279)			
1501.379	am	(P-569/A-8906)	2773.240	re	(A-10279)			
1501.380	am	(P-569/A-8906)	2773.250	re	(A-10279)			
1501.381	am	(P-569/A-8906)	2773.260	re	(A-10279)			
1501.382	am	(P-569/A-8906)	2773.270	re	(A-10279)			
1501.383	am	(P-569/A-8906)	2773.280	re	(A-10279)			
1501.384	am	(P-569/A-8906)	2773.290	re	(A-10279)			
1501.385	am	(P-569/A-8906)	2773.300	re	(A-10279)			
1501.386	am	(P-569/A-8906)	2773.310	re	(A-10279)			
1501.387	am	(P-569/A-8906)	2773.320	re	(A-10279)			
1501.388	am	(P-569/A-8906)	2773.330	re	(A-10279)			
1501.389	am	(P-569/A-8906)	2773.340	re	(A-10279)			
1501.390	am	(P-569/A-8906)	2773.350	re	(A-10279)			
1501.391	am	(P-569/A-8906)	2773.360	re	(A-10279)			
1501.392	am	(P-569/A-8906)	2773.370	re	(A-10279)			
1501.393	am	(P-569/A-8906)	2773.380	re	(A-10279)			
1501.394	am	(P-569/A-8906)	2773.390	re	(A-10279)			
1501.395	am	(P-569/A-8906)	2773.400	re	(A-10279)			
1501.396	am	(P-569/A-8906)	2773.410	re	(A-10279)			
1501.397	am	(P-569/A-8906)	2773.420	re	(A-10279)			
1501.398	am	(P-569/A-8906)	2773.430	re	(A-10279)			
1501.399	am	(P-569/A-8906)	2773.440	re	(A-10279)			
1501.400	am	(P-569/A-8906)	2773.450	re	(A-10279)			
1501.401	am	(P-569/A-8906)	2773.460	re	(A-10279)			
1501.402	am	(P-569/A-8906)	2773.470	re	(A-10279)			
1501.403	am	(P-569/A-8906)	2773.480	re	(A-10279)			
1501.404	am	(P-569/A-8906)	2773.490	re	(A-10279)			
1501.405	am	(P-569/A-8906)	2773.500	re	(A-10279)			
1501.406	am	(P-569/A-8906)	2773.510	re	(A-10279)			
1501.407	am	(P-569/A-8906)	2773.520	re	(A-10279)			
1501.408	am	(P-569/A-8906)	2773.530	re	(A-10279)			
1501.409	am	(P-569/A-8906)	2773.540	re	(A-10279)			
1501.410	am	(P-569/A-8906)	2773.550	re	(A-10279)			
1501.411	am	(P-569/A-8906)	2773.560	re	(A-10279)			
1501.412	am	(P-569/A-8906)	2773.570	re	(A-10279)			
1501.413	am	(P-569/A-8906)	2773.580	re	(A-10279)			
1501.414	am	(P-569/A-8906)	2773.590	re	(A-10279)			
1501.415	am	(P-569/A-8906)	2773.600	re	(A-10279)			
1501.416	am	(P-569/A-8906)	2773.610	re	(A-10279)			
1501.417	am	(P-569/A-8906)	2773.620	re	(A-10279)			
1501.418	am	(P-569/A-8906)	2773.630	re	(A-10279)			
1501.419	am	(P-569/A-8906)	2773.640	re	(A-10279)			
1501.420	am	(P-569/A-8906)	2773.650	re	(A-10279)			
1501.421	am	(P-569/A-8906)	2773.660	re	(A-10279)			
1501.422	am	(P-569/A-8906)	2773.670	re	(A-10279)			
1501.423	am	(P-569/A-8906)	2773.680	re	(A-10279)			
1501.424	am	(P-569/A-8906)	2773.690	re	(A-10279)			

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218.114	am	(P-7602)	219.553	am	(P-7618)
218.119	n	(P-12491/93.A-1945)	219.585	am	(P-7618)
218.119	n	(P-10543)	219.586	n	(P-8295/93.A-4242)
218.120	n	(P-10543)	219.760	am	(P-32/21)
218.121	am	(P-10543)	219.762	am	(P-32/21)
218.125	n	(P-10543)	219.766	am	(P-32/21)
218.127	n	(P-10543)	219.766	am	(P-32/21)
218.128	n	(P-10543)	219.768	am	(P-32/21)
218.140	am	(P-12491/93.A-1945)	219.770	am	(P-32/21)
218.202	#,am	(P-10543)	219.770	am	(P-32/21)
218.520	n	(P-10543)	219.790	am	(P-32/21)
218.522	n	(P-10543)	219.840	am	(P-32/21)
218.523	n	(P-10543)	219.860	am	(P-32/21)
218.524	n	(P-10543)	219.860	am	(P-32/21)
218.553	am	(P-7602)	219.860	am	(P-7594)
218.602	am	(P-12491/93.A-1945)	219.861	am	(P-7621)
218.611	n	(P-12491/93.A-1945)	219.861	am	(P-7621)
218.620	am	(P-12491/93.A-1945)	240.101	am	(P-12031)
218.623	n	(P-12491/93.A-1945)	240.102	am	(P-12031)
218.660	n	(P-12491/93.A-1945)	240.104	am	(P-12031)
218.665	n	(P-12491/93.A-1945)	240.105	am	(P-12031)
218.666	am	(P-12491/93.A-1945)	240.107	am	(P-12031)
218.668	n	(P-12491/93.A-1945)	240.124	am	(P-12031)
218.670	n	(P-12491/93.A-1945)	240.125	am	(P-12031)
218.672	n	(P-12491/93.A-1945)	240.125	am	(P-12031)
218.686	n	(P-12491/93.A-1945)	240.152	n	(P-12021)
218.686	n	(P-12491/93.A-1945)	240.153	n	(P-12021)
218.688	n	(P-12491/93.A-1945)	240.161	n	(P-12021)
218.690	n	(P-12491/93.A-1945)	240.162	n	(P-12021)
218.692	n	(P-12491/93.A-1945)	240.163	n	(P-12021)
218.692	n	(P-9242)	240.164	n	(P-12021)
218.762	n	(P-9242)	240.171	n	(P-12021)
218.764	n	(P-9242)	240.172	n	(P-12021)
218.765	n	(P-9242)	240.173	n	(P-12097)
218.768	n	(P-9242)	240.173	n	(P-12097)
218.770	n	(P-9242)	240.173	n	(P-12097)
218.820	am	(P-12491/93.A-1945)	240.176	n	(P-12021)
218.820	am	(P-9242)	240.176	n	(P-12021)
218.823	r	(P-12491/93.A-1945)	270.101	n	(P-16325/93.A-9425)
218.826	am	(P-12491/93.A-1945)	270.102	n	(P-16325/93.A-9425)
218.826	am	(P-12491/93.A-1945)	270.103	n	(P-16325/93.A-9425)
218.826	am	(P-12491/93.A-1945)	270.104	n	(P-16325/93.A-9425)
218.840	am	(P-12491/93.A-1945)	270.105	n	(P-16325/93.A-9425)
218.843	am	(P-9242)	270.106	n	(P-16325/93.A-9425)
218.843	am	(P-12491/93.A-1945)	270.107	n	(P-16325/93.A-9425)
218.846	am	(P-12491/93.A-1945)	270.108	n	(P-16325/93.A-9425)
218.846	am	(P-12491/93.A-1945)	270.108	n	(P-16325/93.A-9425)
218.960	am	(P-9242)	270.201	n	(P-16325/93.A-9425)
218.963	am	(P-9242)	270.202	n	(P-16325/93.A-9425)
218.966	am	(P-12491/93.A-1945)	270.301	n	(P-16325/93.A-9425)
218.966	am	(P-12491/93.A-1945)	270.302	n	(P-16325/93.A-9425)
218.980	am	(P-12491/93.A-1945)	270.303	n	(P-16325/93.A-9425)
218.980	am	(P-9242)	270.304	n	(P-16325/93.A-9425)
218.983	am	(P-12491/93.A-1945)	270.305	n	(P-16325/93.A-9425)
218.986	am	(P-12491/93.A-1945)	270.306	n	(P-16325/93.A-9425)
218.991	am	(P-12491/93.A-1945)	270.307	n	(P-16325/93.A-9425)
218.Ao.C	am	(P-10543)	270.308	n	(P-16325/93.A-9425)

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370.860	re	(A-6375)	am	(P-7642-A-12391)	700.603	r	(P-13572)
370.870	re	(A-6375)	am	(P-7642-A-12391)	700.604	r	(P-13572)
370.900	re	(A-6375)	am	(P-7642-A-12391)	700.605	r	(P-13572)
370.910	re	(A-6375)	am	(P-7642-A-12391)	702.101	am	(P-13613)
370.920	re	(A-6375)	am	(P-5113,A-14084)	702.102	r	(P-13613)
370.930	re	(A-6375)	am	(P-5113,A-14084)	702.103	am	(P-13613)
370.940	re	(A-6375)	am	(P-5113,A-14084)	702.104	am	(P-13613)
370.1000	re	(A-6375)	am	(P-5113,A-14084)	702.105	am	(P-13613)
370.1010	re	(A-6375)	am	(P-5113,A-14084)	702.106	am	(P-13613)
370.1030	re	(A-6375)	am	(P-5113,A-14084)	702.107	am	(P-13613)
370.1040	re	(A-6375)	am	(P-5113,A-14084)	702.108	am	(P-13613)
370.1050	re	(A-6375)	am	(P-5113,A-14084)	702.109	am	(P-13613)
370.1060	re	(A-6375)	am	(P-5113,A-14084)	702.110	am	(P-406-A-6918)
370.1070	re	(A-6375)	n	(P-18730/93,A-10122)	702.120	am	(P-13613)
370.1080	re	(A-6375)	n	(P-18730/93,A-10122)	702.121	am	(P-13613)
370.1100	re	(A-6375)	n	(P-18730/93,A-10122)	702.122	am	(P-13613)
370.1110	re	(A-6375)	n	(P-18730/93,A-10122)	702.123	am	(P-13613)
370.1120	re	(A-6375)	n	(P-18730/93,A-10122)	702.124	am	(P-13613)
370.1130	re	(A-6375)	n	(P-18730/93,A-10122)	702.125	am	(P-13613)
370.1200	re	(A-6375)	n	(P-18730/93,A-10122)	702.126	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.140	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.141	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.142	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.143	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.144	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.145	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.146	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.147	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.148	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.149	am	(P-13613)
370.1210	re	(A-6375)	n	(P-18730/93,A-10122)	702.150	am	(P-13613)
370.1210	re	(A-6375)	n	(P-13572)	702.151	am	(P-13613)
370.1210	re	(A-6375)	n	(P-13572)	702.160	am	(P-13613)
370.1210	re	(A-6375)	n	(P-13572)	702.161	am	(P-13613)
370.1210	re	(A-6375)	n	(P-13572)	702.162	am	(P-13613)
370.1210	re	(A-6375)	am	(P-13572)	702.163	am	(P-13613)
370.1210	re	(A-6375)	am	(P-13572)	702.164	am	(P-13613)
370.1210	re	(A-6375)	am	(P-13572)	702.181	am	(P-13613)
370.1210	re	(A-6375)	am	(P-13572)	703.110	am	(P-6580-A-12392)
370.1210	re	(A-6375)	n	(P-13572)	703.125	am	(P-13646)
370.1210	re	(A-6375)	n	(P-13572)	703.126	am	(P-13646)
370.1210	re	(A-6375)	n	(P-13572)	703.144	am	(P-13646)
370.1210	re	(A-6375)	n	(P-13572)	703.156	am	(P-13646)
370.1210	re	(P-2552-A-9470)	n	(P-13572)	703.188	am	(P-13646)
370.1210	re	(P-2552-A-9470)	n	(P-13572)	703.184	am	(P-13646)
370.1210	re	(P-2552-A-9470)	n	(P-13572)	703.186	am	(P-13646)
370.1210	re	(P-2552-A-9470)	n	(P-13572)	703.200	am	(P

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(E-11662)(P-13169)

170.540

am

(P-9106)

r

(P-22)

817.401

n

(P-1765/93;A-12411)

830 508

n

(P-11040)

335.30

n

(E-11662)(P-13169)

170.541

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(P-9106)

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817.402

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830 601

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r

(P-22)

817.405

n

(P-1765/93;A-12411)

830 604

n

(P-11040)

610.20

n

(P-17681)(C-8172)

170.545

am

(P-9106)

r

(P-22)

817.406

n

(C-21878/93)

830 605

n

(P-11040)

610.30

n

(P-17681)(C-8172)

170.546

am

(P-9106)

r

(P-22)

817.407

n

(P-1765/93;A-12411)

830 606

n

(P-11040)

610.40

n

(P-17681)(C-8172)

170.547

am

(P-9106)

r

(P-22)

817.408

n

(C-21878/93)

830 607

n

(P-11040)

610.50

n

(P-17681)(C-8172)

170.548

am

(P-9106)

r

(P-22)

817.409

n

(P-1765/93;A-12411)

830 608

n

(P-11040)

610.60

n

(P-17681)(C-8172)

170.549

am

(P-9106)

r

(P-22)

817.410

n

(C-21878/93)

830 609

n

(P-11040)

610.70

n

(P-17681)(C-8172)

170.550

am

(P-9106)

r

(P-22)

817.411

n

(P-1765/93;A-12411)

830 610

n

(P-11040)

610.80

n

(P-17681)(C-8172)

170.551

am

(P-9106)

r

(P-22)

817.412

n

(C-21878/93)

831 101

n

(P-11025)

610.90

n

(P-17681)(C-8172)

170.552

am

(P-9106)

r

(P-22)

817.413

n

(P-1765/93;A-12411)

831 102

n

(P-11025)

610.10

n

(P-17681)(C-8172)

170.553

am

(P-9106)

r

(P-22)

817.414

n

(C-21878/93)

831 103

n

(P-11025)

610.20

n

(P-17681)(C-8172)

170.554

am

(P-9106)

r

(P-22)

817.415

n

(P-1765/93;A-12411)

831 104

n

(P-11025)

610.30

n

(P-17681)(C-8172)

170.555

am

(P-9106)

r

(P-22)

817.416

n

(C-21878/93)

831 105

n

(P-11025)

610.40

n

(P-17681)(C-8172)

170.556

am

(P-9106)

r

(P-22)

817.417

n

(P-1765/93;A-12411)

831 106

n

(P-11025)

610.50

n

(P-17681)(C-8172)

170.557

am

(P-9106)

r

(P-22)

817.418

n

(C-21878/93)

831 107

n

(P-11025)

610.60

n

(P-17681)(C-8172)

170.558

am

(P-9106)

r

(P-22)

817.419

n

(P-1765/93;A-12411)

832 101

n

(P-11033)

610.70

n

(P-17681)(C-8172)

170.559

am

(P-9106)

r

(P-22)

817.501

n

(C-21878/93)

832 111

n

(P-11033)

610.80

n

(P-17681)(C-8172)

170.560

am

(P-9106)

r

(P-22)

817 Ap A

n

(P-1765/93;A-12411)

832 202

n

(P-11033)

610.90

n

(P-17681)(C-8172)

170.561

am

(P-9106)

r

(P-5057)

830 101

n

(C-21878/93)

832 302

n

(P-11040)

610.10

n

(P-17681)(C-8172)

170.562

am

(P-9106)

r

(P-22)

830 102

n

(P-11040)

832 302

n

(P-11040)

610.20

n

(P-17681)(C-8172)

170.563

am

(P-9106)

r

(P-22)

830 103

n

(P-11040)

832 303

n

(P-11040)

610.30

n

(P-17681)(C-8172)

170.564

am

(P-9106)

r

(P-22)

830 104

n

(P-11040)

830 104

n

(P-11040)

610.40

n

(P-17681)(C-8172)

170.565

am

(P-9106)

r

(P-22)

830 105

n

(P-11040)

830 105

n

(P-11040)

610.50

n

(P-17681)(C-8172)

170.566

am

(P-9106)

r

(P-22)

830 106

n

(P-11040)

830 106

n

(P-11040)

610.60

n

(P-17681)(C-8172)

170.567

am

(P-9106)

r

(P-22)

830 107

n

(P-11040)

830 107

n

(P-11040)

610.70

n

(P-17681)(C-8172)

170.568

am

(P-9106)

r

(P-22)

830 108

n

(P-11040)

830 108

n

(P-11040)

610.80

n

(P-17681)(C-8172)

170.569

am

(P-9106)

r

(P-22)

830 201

n

(P-11040)

830 201

n

(P-11040)

610.90

n

(P-17681)(C-8172)

170.570

am

(P-9106)

r

(P-22)

830 202

n

(P-11040)

830 202

n

(P-11040)

610.10

n

(P-17681)(C-8172)

170.571

am

(P-9106)

r

(P-22)

830 203

n

(P-11040)

830 203

n

(P-11040)

610.20

n

(P-17681)(C-8172)

170.572

am

(P-9106)

r

(P-22)

830 204

n

(P-11040)

830 204

n

(P-11040)

610.30

n

(P-17681)(C-8172)

170.573

am

(P-9106)

r

(P-22)

830 205

n

(P-11040)

830 205

n

(P-11040)

610.40

n

(P-17681)(C-8172)

170.574

am

(P-9106)

r

(P-22)

830 206

n

(P-11040)

830 206

n

(P-11040)

610.50

n

(P-17681)(C-8172)

170.575

am

(P-9106)

r

(P-22)

830 207

n

(P-11040)

830 207

n

(P-11040)

610.60

n

(P-17681)(C-8172)

170.576

am

(P-9106)

r

(P-22)

830 208

n

(P-11040)

830 208

n

(P-11040)

610.70

n

(P-17681)(C-8172)

170.577

am

(P-9106)

r

(P-22)

830 209

n

(P-11040)

830 209

n

(P-11040)

610.80

n

(P-17681)(C-8172)

170.578

am

(P-9106)

r

(P-22)

830 210

n

(P-11040)

830 210

n

(P-11040)

610.90

n

(P-17681)(C-8172)

170.579

am

(P-9106)

r

(P-22)

830 211

n

(P-11040)

830 211

n

(P-11040)

610.10

n

(P-17681)(C-8172)

170.580

am

(P-9106)

r

(P-22)

830 212

n

(P-11040)

830 212

n

(P-11040)

610.20

n

(P-17681)(C-8172)

170.581

am

(P-9106)

r

(P-22)

830 213

n

(P-11040)

830 213

n

(P-11040)

610.30

n

(P-17681)(C-8172)

170.582

am

(P-9106)

r

(P-22)

830 501

n

(P-11040)

830 501

n

(P-11040)

610.40

n

(P-17681)(C-8172)

170.583

am

(P-9106)

r

(P-22)

830 502

n

(P-11040)

830 502

n

(P-11040)

610.50

n

(P-17681)(C-8172)

170.584

am

(P-9106)

r

(P-22)

830 503

n

(P-11040)

830 503

n

(P-11040)

610.60

n

(P-17681)(C-8172)

170.585

am

(P-9106)

r

(P-22)

830 504

n

(P-11040)

830 504

n

(P-11040)

610.70

n

(P-17681)(C-8172)

170.586

am

(P-9106)

r

(P-22)

(Title 41, con't)

140.90

am

(P-12696)

170.540

am

(P-9106)

160.10

am

(P-15747/93;A-5163)

140.90

am

(P-12696)

170.541

am

(P-9106)

160.30

am

(P-15747/93;A-5163)

140.90

am

(P-12696)

170.542

am

(P-9106)

160.40

am

(P-15747/93;A-5163)

140.140

am

(P-12696)

170.543

am

(P-9106)

160.50

am

(P-15747/93;A-5163)

140.150

am

(P-12696)

170.544

am

(P-9106)

160.60

am

(P-15747/93;A-5163)

140.160

am

(P-12696)

170.545

am

(P-9106)

160.70

am

(P-15747/93;A-5163)

140.171

am

(P-12696)

170.546

am

(P-9106)

160.80

am

(P-15747/93;A-5163)

140.180

am

(P-12696)

170.547

am

(P-9106)

160.90

am

(P-15747/93;A-5163)

140.185

am

(P-12696)

170.548

am

(P-9106)

160.10

am

(P-15747/93;A-5163)

140.220

am

(P-12696)

170.549

am

(P-9106)

160.30

am

(P-15747/93;A-5163)

140.225

n

(P-12696)

170.550

am

(P-9106)

160.40

am

(P-15747/93;A-5163)

140.230

am

(P-12696)

170.551

am

(P-9106)

160.50

am

(P-15747/93;A-5163)

140.232

am

(P-12696)

170.552

am

(P-9106)

160.60

am

(P-15747/93;A-5163)

140.234

am

(P-12696)

170.553

am

(P-9106)

160.70

am

(P-15747/93;A-5163)

140.236

am

(P-12696)

170.554

am

(P-9106)

160.80

am

(P-15747/93;A-5163)

140.238

am

(P-12696)

170.555

am

(P-9106)

160.90

am

(P-15747/93;A-5163)

140.240

am

(P-12696)

170.556

am

(P-9106)

160.10

am

(P-15747/93;A-5163)

140.250

am

(P-12696)

170.557

am

(P-9106)

160.30

am

(P-15747/93;A-5163)

140.305

am

(P-12696)

170.558

am

(P-9106)

160.40

am

(P-15747/93;A-5163)

140.390

am

(P-12696)

170.559

am

(P-9106)

160.50

am

(P-15747/93;A-5163)

140.400

am

(P-12696)

170.560

am

(P-9106)

160.60

am

(P-15747/93;A-5163)

170.10

am

(P-9106)

170.700

r

(P-9106)

160.70

am

(P-15747/93;A-5163)

170.10

am

(P-9106)

170.701

n

(P-9106)

160.80

am

(P-15747/93;A-5163)

170.710

n

(P-9106)

170.702

n

(P-9106)

160.90

am

(P-15747/93;A-5163)

170.720

n

(P-9106)

170.703

n

(P-9106)

160.10

am

(P-15747/93;A-5163)

170.730

n

(P-9106)

170.704

n

(P-9106)

160.30

am

(P-15747/93;A-5163)

170.740

n

(P-9106)

170.705

n

(P-9106)

160.40

am

(P-15747/93;A-5163)

170.750

n

(P-9106)

170.706

n

(P-9106)

160.50

am

(P-15747/93;A-5163)

170.765

n

(P-9106)

170.707

n

(P-9106)

160.60

am

(P-15747/93;A-5163)

170.770

n

(P-9106)

170.708

n

(P-9106)

160.70

am

(P-15747/93;A-5163)

170.780

n

(P-9106)

170.709

n

(P-9106)

160.80

am

(P-15747/93;A-5163)

170.790

n

(P-9106)

170.710

n

(P-9106)

160.90

am

(P-15747/93;A-5163)

170.795

n

(P-9106)

170.711

n

(P-9106)

160.10

am

(P-15747/93;A-5163)

170.800

am

(P-9106)

170.712

n

(P-9106)

160.30

am

(P-15747/93;A-5163)

170.810

am

(P-9106)

170.713

n

(P-9106)

160.40

am

(P-15747/93;A-5163)

170.820

am

(P-9106)

170.714

n

(P-9106)

160.50

am

(P-15747/93;A-5163)

170.830

am

(P-9106)

170.715

n

(P-9106)

160.60

am

(P-15747/93;A-5163)

170.850

am

(P-9106)

170.716

n

(P-9106)

160.70

am

(P-15747/93;A-5163)

170.860

am

(P-9106)

170.717

n

(P-9106)

160.80

am

(P-15747/93;A-5163)

170.880

am

(P-9106)

170.718

n

(P-9106)

160.90

am

(P-15747/93;A-5163)

170.900

am

(P-9106)

170.719

n

(P-9106)

160.10

am

(P-15747/93;A-5163)

170.910

am

(P-9106)

170.720

n

(P-9106)

160.30

am

(P-15747/93;A-5163)

170.920

n

(P-9106)

170.721

n

(P-9106)

160.40

am

(P-15747/93;A-5163)

170.930

n

(P-9106)

170.722

n

(P-9106)

160.50

am

(P-15747/93;A-5163)

170.940

n

(P-9106)

170.723

n

(P-9106)

160.60

am

(P-15747/93;A-5163)

170.1000

n

(P-9106)

170.724

n

(P-9106)

160.70

am

(P-15747/93;A-5163)

170.1100

n

(P-9106)

170.725

n

(P-9106)

160.80

am

(P-15747/93;A-5163)

170.1200

n

(P-9106)

170.726

n

(P-9106)

160.90

am

(P-15747/93;A-5163)

170.1300

n

(P-9106)

170.727

n

(P-9106)

160.10

am

(P-15747/93;A-5163)

170.1b A

n

(P-9106)

170.728

n

(P-9106)

160.30

am

(P-15747/93;A-5163)

200.5

am

(P-22)

200.5

am

(P-22)

260.10

am

(P-8293)

200.10

am

(P-9106)

200.20

am

(P-22)

260.10

am

(P-8293)

200.20

am

(P-22)

200.30

am

(P-22)

260.10

am

(P-8293)

200.30

am

(P-22)

200.40

am

(P-22)

260.10

am

(P-8293)

200.40

am

(P-22)

200.50

am

(P-22)

260.10

am

(P-8293)

200.60

am

(P-22)

200.70

am

(P-22)

260.10

am

(P-8293)

200.100

am

(P-22)

200.100

am

(P-22)

260.10

am

(P-8293)

<

360.602	am	(P-1669-A-8663)	365.303	n	(E-1596(C)-10503)	365.1205	am	(P-11279/93-A-2238)	2520.300	am	(P-9821)
360.603	am	(P-1669-A-8663)	365.304	r	(E-1596(C)-10503)	365.1206	am	(P-11279/93-A-2238)	2520.360	am	(P-9821)
360.801	am	(P-1669-A-8663)	365.401	n	(E-1596(C)-10503)	365.1207	am	(P-11279/93-A-2238)	2520.420	am	(P-9821)
360.802	am	(E-1596(C)-10503)	365.402	n	(E-1596(C)-10503)	365.1208	am	(P-11279/93-A-2238)	2520.480	am	(P-9821)
360.803	am	(P-1669-A-8663)	365.403	n	(E-1596(C)-10503)	365.1209	am	(P-11279/93-A-2238)	2520.540	am	(P-9821)
360.804	am	(E-1596(C)-10503)	365.404	n	(E-1596(C)-10503)	365.1210	am	(P-11279/93-A-2238)	2520.600	am	(P-9821)
360.901	am	(P-1669-A-8663)	365.405	n	(E-1596(C)-10503)	365.1211	am	(P-11279/93-A-2238)	2520.660	am	(P-9821)
360.902	am	(E-1596(C)-10503)	365.406	n	(E-1596(C)-10503)	365.1212	am	(P-11279/93-A-2238)	2520.720	am	(P-9821)
360.903	am	(P-1669-A-8663)	365.501	n	(E-1596(C)-10503)	365.1213	am	(P-11279/93-A-2238)	2520.780	am	(P-9821)
360.904	am	(E-1596(C)-10503)	365.502	n	(E-1596(C)-10503)	365.1214	am	(P-11279/93-A-2238)	2520.840	am	(P-9821)
360.905	am	(P-1669-A-8663)	365.503	n	(E-1596(C)-10503)	365.1215	am	(P-11279/93-A-2238)	2520.900	am	(P-9821)
360.1101	am	(E-1596(C)-10503)	365.504	n	(E-1596(C)-10503)	365.1216	am	(P-11279/93-A-2238)	2520.960	am	(P-9821)
360.1102	am	(P-1669-A-8663)	365.505	n	(E-1596(C)-10503)	365.1217	am	(P-11279/93-A-2238)	2521.020	am	(P-9821)
365.101	n	(E-1596(C)-10503)	365.506	n	(E-1596(C)-10503)	365.1218	am	(P-11279/93-A-2238)	2521.080	am	(P-9821)
365.102	n	(P-1669-A-8663)	365.507	n	(E-1596(C)-10503)	365.1219	am	(P-11279/93-A-2238)	2521.140	am	(P-9821)
365.103	n	(E-1596(C)-10503)	365.508	n	(E-1596(C)-10503)	365.1220	am	(P-11279/93-A-2238)	2521.200	am	(P-9821)
365.104	n	(P-1669-A-8663)	365.601	n	(E-1596(C)-10503)	365.1221	am	(P-11279/93-A-2238)	2521.260	am	(P-9821)
365.105	n	(E-1596(C)-10503)	365.602	n	(E-1596(C)-10503)	365.1222	am	(P-11279/93-A-2238)	2521.320	am	(P-9821)
365.106	n	(P-1669-A-8663)	365.603	n	(E-1596(C)-10503)	365.1223	am	(P-11279/93-A-2238)	2521.380	am	(P-9821)
365.107	n	(E-1596(C)-10503)	365.604	n	(E-1596(C)-10503)	365.1224	am	(P-11279/93-A-2238)	2521.440	am	(P-9821)
365.108	n	(P-1669-A-8663)	365.701	n	(E-1596(C)-10503)	365.1225	am	(P-11279/93-A-2238)	2521.500	am	(P-9821)
365.109	n	(E-1596(C)-10503)	365.702	n	(E-1596(C)-10503)	365.1226	am	(P-11279/93-A-2238)	2521.560	am	(P-9821)
365.110	n	(P-1669-A-8663)	365.703	n	(E-1596(C)-10503)	365.1227	am	(P-11279/93-A-2238)	2521.620	am	(P-9821)
365.111	n	(E-1596(C)-10503)	365.704	n	(E-1596(C)-10503)	365.1228	am	(P-11279/93-A-2238)	2521.680	am	(P-9821)
365.112	n	(P-1669-A-8663)	365.801	n	(E-1596(C)-10503)	365.1229	am	(P-11279/93-A-2238)	2521.740	am	(P-9821)
365.113	n	(E-1596(C)-10503)	365.901	n	(E-1596(C)-10503)	365.1230	am	(P-11279/93-A-2238)	2521.800	am	(P-9821)
365.114	n	(P-1669-A-8663)	365.1001	n	(E-1596(C)-10503)	365.1231	am	(P-11279/93-A-2238)	2521.860	am	(P-9821)
365.115	n	(E-1596(C)-10503)	365.1002	n	(E-1596(C)-10503)	365.1232	am	(P-11279/93-A-2238)	2521.920	am	(P-9821)
365.201	n	(P-1669-A-8663)	365.1101	n	(E-1596(C)-10503)	365.1233	am	(P-11279/93-A-2238)	2521.980	am	(P-9821)
365.202	n	(E-1596(C)-10503)	365.1102	n	(E-1596(C)-10503)	365.1234	am	(P-11279/93-A-2238)	2522.040	am	(P-9821)
365.203	n	(P-1669-A-8663)	365.1103	n	(E-1596(C)-10503)	365.1235	am	(P-11279/93-A-2238)	2522.100	am	(P-9821)
365.204	am	(E-1596(C)-10503)	365.1104	n	(E-1596(C)-10503)	365.1236	am	(P-11279/93-A-2238)	2522.160	am	(P-9821)
365.301	n	(P-1669-A-8663)	365.1201	n	(E-1596(C)-10503)	365.1237	am	(P-11279/93-A-2238)	2522.220	am	(P-9821)
365.302	n	(E-1596(C)-10503)	365.1202	n	(E-1596(C)-10503)	365.1238	am	(P-11279/93-A-2238)	2522.280	am	(P-9821)

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2760.127	n	(P-7432)	259.200	n	(P-7935)	240.1190	am	(P-2128/93:A-8061)
	am	(P-1631/93:A-261)	259.210	n	(P-7935)	240.1200	am	(P-2128/93:A-8061)
2760.149	am	(P-9082)	259.320	n	(P-7935)	240.1205	am	(P-2128/93:A-8061)
2760.150	am	(P-9084)	259.340	n	(P-7935)	240.1210	r	(P-2128/93:A-8061)
2765.44	am	(P-9094)	259.250	n	(P-7935)	240.1230	am	(P-2128/93:A-8061)
2765.48	am	(P-9094)	259.260	n	(P-7935)	240.1240	am	(P-2128/93:A-8061)
2765.68	am	(P-9094)	259.270	n	(P-7935)	240.1260	am	(P-2128/93:A-8061)
2770.105	am	(P-17628/93:A-250)	259.280	n	(P-7935)	240.1280	am	(P-2128/93:A-8061)
2770.105	am	(P-17628/93:A-250)	259.300	n	(P-7935)	240.1300	am	(P-2128/93:A-8061)
2770.110	am	(P-14206)	259.310	n	(P-7935)	240.1440	am	(P-2128/93:A-8061)
	am	(P-1942/93:A-4160)	259.330	n	(P-7935)	240.1480	am	(P-2128/93:A-8061)
2865.130	am	(P-1941/93:A-4154)	259.340	n	(P-7935)	240.1500	am	(P-2128/93:A-8061)
2915.40	n	(P-1941/93:A-4154)	259.350	n	(P-7935)	240.1510	am	(P-2128/93:A-8061)
2915.45	n	(P-1941/93:A-4154)	259.360	n	(P-7935)	240.1520	am	(P-2128/93:A-8061)
2915.47	n	(P-1941/93:A-4154)	259.370	n	(P-7935)	240.1600	am	(P-2128/93:A-8061)
2920.65	am	(P-19427/93:A-4166)	259.380	n	(P-7935)			(P-11686)
2920.70	am	(P-19427/93:A-4166)	259.390	n	(P-7935)	240.1620	n	(P-2128/93:A-8061)
2920.75	am	(P-19427/93:A-4166)	259.400	n	(P-7935)			(P-11686)
2960.210	am	(P-9075)	259.410	n	(P-7935)	240.1630	n	(P-2128/93:A-8061)
2960.220	am	(P-9075)	259.500	n	(P-7935)	240.1640	n	(P-2128/93:A-8061)
2960.230	am	(P-9075)	259.510	n	(P-7935)	240.1700	n	(P-2128/93:A-8061)
2960.240	am	(P-9075)	259.520	n	(P-7935)	240.1705	n	(P-2128/93:A-8061)
2960.250	am	(P-9075)	259.530	n	(P-7935)	240.1720	n	(P-2128/93:A-8061)
2960.260	am	(P-9075)	259.540	n	(P-7935)	240.1730	n	(P-2128/93:A-8061)
2965.44	am	(P-9075)				240.1740	n	(P-2128/93:A-8061)
2965.45	am	(P-9075)				240.1800	n	(P-2128/93:A-8061)
2965.58	n	(P-9075)				240.1805	n	(P-2128/93:A-8061)
2965.60	n	(P-9075)				240.1810	n	(P-2128/93:A-8061)
								(P-11686)
6000.10	am	(P-6040:A-13384)	240.130	am	(P-2128/93:A-8061)	240.1820	n	(P-2128/93:A-8061)
6000.30	am	(P-6040:A-13384)	240.131	am	(P-2128/93:A-8061)	240.1830	n	(P-2128/93:A-8061)
6000.40	am	(P-6040:A-13384)	240.132	am	(P-2128/93:A-8061)	240.1835	n	(P-2128/93:A-8061)
6000.65	am	(P-6040:A-13384)	240.133	am	(P-2128/93:A-8061)	240.1840	n	(P-2128/93:A-8061)
6000.70	am	(P-6040:A-13384)	240.160	am	(P-2128/93:A-8061)	240.1850	n	(P-2128/93:A-8061)
6000.80	am	(P-6040:A-13384)	240.170	am	(P-2128/93:A-8061)	240.1855	n	(P-2128/93:A-8061)
6000.100	am	(P-6040:A-13384)	240.220	am	(P-2128/93:A-8061)	240.1865	n	(P-2128/93:A-8061)
6000.110	am	(P-6040:A-13384)	240.230	am	(P-2128/93:A-8061)	240.1870	n	(P-2128/93:A-8061)
6000.120	am	(P-6040:A-13384)	240.250	am	(P-2128/93:A-8061)	240.1900	n	(P-2128/93:A-8061)
6000.130	am	(P-6040:A-13384)	240.310	am	(P-2128/93:A-8061)	240.1905	n	(P-2128/93:A-8061)
6000.140	am	(P-6040:A-13384)	240.310	am	(P-2128/93:A-8061)	240.1910	n	(P-2128/93:A-8061)
6000.150	am	(P-6040:A-13384)	240.320	am	(P-2128/93:A-8061)	240.1920	n	(P-2128/93:A-8061)
6000.160	am	(P-6040:A-13384)	240.330	am	(P-2128/93:A-8061)	240.1930	n	(P-2128/93:A-8061)
6000.170	am	(P-6040:A-13384)	240.370	am	(P-2128/93:A-8061)	240.1940	n	(P-2128/93:A-8061)
6000.190	am	(P-6040:A-13384)	240.380	am	(P-2128/93:A-8061)	240.1950	n	(P-2128/93:A-8061)
6000.220	am	(P-6040:A-13384)	240.460	am	(P-2128/93:A-8061)	240.1960	n	(P-2128/93:A-8061)
6000.250	am	(P-6040:A-13384)	240.470	am	(P-2128/93:A-8061)	240.1970	n	(P-2128/93:A-8061)
6000.260	am	(P-6040:A-13384)	240.500	am	(P-2128/93:A-8061)	240.1980	n	(P-2128/93:A-8061)
6000.270	am	(P-6040:A-13384)	240.610	am	(P-2128/93:A-8061)	240.1990	n	(P-2128/93:A-8061)
6000.280	am	(P-6040:A-13384)	240.640	am	(P-2128/93:A-8061)	240.1995	n	(P-2128/93:A-8061)
6000.290	am	(P-6040:A-13384)	240.710	am	(P-2128/93:A-8061)	240.2000	n	(P-2128/93:A-8061)
6000.300	am	(P-6040:A-13384)	240.740	am	(P-2128/93:A-8061)	240.2005	n	(P-2128/93:A-8061)
6000.310	am	(P-6040:A-13384)	240.750	am	(P-2128/93:A-8061)	240.2010	n	(P-2128/93:A-8061)
6000.320	am	(P-6040:A-13384)	240.760	am	(P-2128/93:A-8061)	240.2015	n	(P-2128/93:A-8061)
6000.330	am	(P-6040:A-13384)	240.770	am	(P-2128/93:A-8061)	240.2020	n	(P-2128/93:A-8061)
6000.340	am	(P-6040:A-13384)	240.780	am	(P-2128/93:A-8061)	240.2025	n	(P-2128/93:A-8061)
			240.810	am	(P-2128/93:A-8061)	240.2030	n	(P-2128/93:A-8061)
			240.810	am	(P-2128/93:A-8061)	240.2035	n	(P-2128/93:A-8061)
			240.860	am	(P-2128/93:A-8061)	240.2040	n	(P-2128/93:A-8061)
			240.860	am	(P-2128/93:A-8061)	240.2045	n	(P-2128/93:A-8061)
			240.861	am	(P-2128/93:A-8061)	240.2050	n	(P-2128/93:A-8061)
			240.861	am	(P-2128/93:A-8061)	240.2055	n	(P-2128/93:A-8061)
			240.880	am	(P-2128/93:A-8061)	240.2060	n	(P-2128/93:A-8061)
			240.920	am	(P-2128/93:A-8061)	240.2065	n	(P-2128/93:A-8061)
			240.950	am	(P-2128/93:A-8061)	240.2070	n	(P-2128/93:A-8061)
			240.950	am	(P-2128/93:A-8061)	240.2075	n	(P-2128/93:A-8061)
			240.1120	am	(P-2128/93:A-8061)	240.2080	n	(P-2128/93:A-8061)
			240.1120	am	(P-2128/93:A-8061)	240.2085	n	(P-2128/93:A-8061)
			240.1130	am	(P-2128/93:A-8061)	240.2090	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2095	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2100	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2105	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2110	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2115	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2120	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2125	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2130	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2135	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2140	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2145	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2150	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2155	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2160	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2165	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2170	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2175	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2180	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2185	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2190	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2195	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2200	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2205	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2210	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2215	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2220	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2225	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2230	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2235	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2240	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2245	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2250	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2255	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2260	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2265	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2270	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2275	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2280	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2285	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2290	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2295	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2300	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2305	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2310	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2315	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2320	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2325	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2330	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2335	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2340	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2345	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2350	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2355	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2360	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2365	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2370	n	(P-2128/93:A-8061)
			240.1140	am	(P-2128/93:A-8061)	240.2375	n	(P-2128/93:A-8061)
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1175	1005	am	(P-2021/933-A-4856)	1360.86	am	(P-11451)	1500.35	am	(P-5758/A-11212)
1175	1010	am	(P-2021/933-A-4856)	1375.10	n	(P-7986)	1500.35	am	(P-5758/A-11212)
1175	1015	am	(P-2021/933-A-4856)	1375.20	n	(P-7986)	1500.35	am	(P-5758/A-11212)
1175	1020	am	(P-2021/933-A-4856)	1375.30	n	(P-7986)	1500.60	r	(P-5758/A-11212)
1175	1025	am	(P-2021/933-A-4856)	1375.40	n	(P-7986)	1500.70	am	(P-5758/A-11212)
1175	1030	am	(P-2021/933-A-4856)	1375.50	n	(P-7986)	1505.10	am	(P-5757/A-11180)
1175	1035	am	(P-2021/933-A-4856)	1375.60	n	(P-7986)	1505.10	am	(P-5757/A-11180)
1175	1040	am	(P-2021/933-A-4856)	1375.70	n	(P-7986)	1505.40	am	(P-5757/A-11180)
1175	1105	am	(P-2021/933-A-4856)	1375.80	n	(P-7986)	1505.40	am	(P-5757/A-11180)
1175	1110	am	(P-2021/933-A-4856)	1375.90	n	(P-7986)	1505.40	am	(P-5757/A-11180)
1175	1115	am	(P-2021/933-A-4856)	1375.100	n	(P-7986)	1505.55	am	(P-5757/A-11180)
1175	1120	am	(P-2021/933-A-4856)	1375.120	n	(P-7986)	1505.55	am	(P-5757/A-11180)
1175	1125	am	(P-2021/933-A-4856)	1375.130	n	(P-7986)	1505.60	am	(P-5757/A-11180)
1175	1130	am	(P-2021/933-A-4856)	1375.135	n	(P-7986)	1505.70	am	(P-5757/A-11180)
1175	1135	am	(P-2021/933-A-4856)	1375.140	n	(P-7986)	1505.70	am	(P-5757/A-11180)
1175	1140	am	(P-2021/933-A-4856)	1375.150	n	(P-7986)	1505.70	am	(P-5757/A-11180)
1175	1145	am	(P-2021/933-A-4856)	1375.160	n	(P-7986)	1505.70	am	(P-5757/A-11180)
1175	1150	am	(P-2021/933-A-4856)	1375.170	n	(P-7986)	1505.70	am	(P-5757/A-11180)
1175	1155	am	(P-2021/933-A-4856)	1375.210	n	(P-7986)	1505.70	am	(P-5757/A-11180)
1175	1160	am	(P-2021/933-A-4856)	1375.230	n	(P-7986)	1505.70	am	(P-5757/A-11180)
1175	1165	am	(P-2021/933-A-4856)	1380.210	am	(P-10619)	285.1104	am	(P-12344)
1175	1170	am	(P-2021/933-A-4856)	1380.240	am	(P-10619)	285.1104	am	(P-12344)
1175	1175	am	(P-2021/933-A-4856)	1380.250	am	(P-10619)	285.1106	am	(P-12344)
1175	1205	am	(P-2021/933-A-4856)	1380.260	am	(P-10619)	285.1107	am	(P-12344)
1175	1210	am	(P-2021/933-A-4856)	1380.280	am	(P-10619)	285.1108	am	(P-12344)
1175	1215	am	(P-2021/933-A-4856)	1380.40	am	(P-10619)	285.1108	am	(P-12344)
1200	20	am	(P-12103)	1400.30	am	(P-2566/A-11191)	285.1110	n	(P-12344)
1200	30	am	(P-12103)	1400.40	am	(P-2566/A-11191)	330.10	n	(P-10677/933-A-1521)
1200	40	am	(P-12103)	1400.50	am	(P-2566/A-11191)	330.20	n	(P-10677/933-A-1521)
1200	75	n	(P-12103)	1400.60	am	(P-2566/A-11191)	330.30	n	(P-10677/933-A-1521)
1270	5	am	(P-1450/933-A-5900)	1400.80	am	(P-2566/A-11191)	330.50	n	(P-10677/933-A-1521)
1270	10	am	(P-9849)	1400.90	am	(P-2566/A-11191)	330.60	n	(P-10677/933-A-1521)
1270	10	am	(P-1450/933-A-5900)	1455.15	am	(P-16379/933-A-2379)	330.70	n	(P-10677/933-A-1521)
1270	10	am	(P-9849)	1455.30	am	(P-16379/933-A-2379)	330.80	n	(P-10677/933-A-1521)
1270	130	am	(P-1450/933-A-5900)	1455.30	am	(P-2733/A-8428)	330.90	n	(P-10677/933-A-1521)
1270	130	am	(P-9849)	1455.30	am	(P-2733/A-8428)	330.90	n	(P-10677/933-A-1521)
1270	20	n	(P-5477/A-10752)	1455.200	am	(P-16379/933-A-2379)	330.100	n	(P-10677/933-A-1521)
1283	10	n	(P-5477/A-10752)	1455.200	am	(P-16379/933-A-2379)	330.120	n	(P-10677/933-A-1521)
1283	40	n	(P-5477/A-10752)	1455.200	am	(P-16379/933-A-2379)	330.140	n	(P-10677/933-A-1521)
1283	60	n	(P-5477/A-10752)	1455.205	n	(P-2733/E-3006)	330.160	n	(P-10677/933-A-1521)
1283	70	n	(P-5477/A-10752)	1455.210	am	(P-16379/933-A-2379)	900.10	n	(P-10677/933-A-1521)
1283	80	n	(P-5477/A-10752)	1455.300	am	(P-16379/933-A-2379)	900.20	n	(P-10677/933-A-1521)
1283	90	n	(P-5477/A-10752)	1455.300	am	(P-16379/933-A-2379)	900.30	n	(P-10677/933-A-1521)
1283	100	n	(P-5477/A-10752)	1455.310	r	(P-7194/A-12794)	900.40	n	(P-10677/933-A-1521)
1283	110	n	(P-5477/A-10752)	1455.320	am	(P-7194/A-12794)	900.50	n	(P-10677/933-A-1521)
1283	120	n	(P-5477/A-10752)	1455.330	am	(P-7194/A-12794)	900.60	n	(P-10677/933-A-1521)
1283	130	n	(P-5477/A-10752)	1455.340	am	(P-7194/A-12794)	900.70	n	(P-10677/933-A-1521)
1283	140	am	(EC-312)	1455.350	n	(P-7194/A-12794)	900.80	n	(P-10677/933-A-1521)
1283	150	am	(EC-312)	1455.360	n	(P-7194/A-12794)	900.90	n	(P-10677/933-A-1521)
1315	130	am	(P-590-A-7373)	1455.370	r	(P-7194/A-12794)	900.100	n	(P-10677/933-A-1521)
1315	130	r	(P-590-A-7373)	1455.380	am	(P-7194/A-12794)	900.110	n	(P-10677/933-A-1521)
1315	100	am	(P-590-A-7373)	1455.400	am	(P-7194/A-12794)	900.120	n	(P-10677/933-A-1521)
1315	110	am	(P-590-A-7373)	1455.410	n	(P-7194/A-12794)	900.130	n	(P-10677/933-A-1521)
1315	120	am	(P-590-A-7373)	1455.420	am	(P-7194/A-12794)	900.140	n	(P-10677/933-A-1521)
1315	130	am	(P-11447)	1470.5	r	(P-8435/93-A-2370)	900.140	n	(P-10677/933-A-1521)
1315	140	am	(P-590-A-7373)	1470.60	am	(P-8435/93-A-2370)	900.140	n	(P-10677/933-A-1521)
1315	150	am	(P-590-A-7373)	1470.80	am	(P-8435/93-A-2370)	900.140	n	(P-10677/933-A-1521)
1316	160	am	(P-590-A-7373)	1470.90	am	(P-8435/93-A-2370)	900.140	n	(P-10677/933-A-1521)
1316	163	n	(P-590-A-7373)	1480.140	am	(P-5749)	100.1	am	(P-12153/93-A-5980)
1316	170	r	(P-590-A-7373)	1480.150	am	(P-5749)	100.2	am	(P-12153/93-A-5980)
1316	180	am	(P-590-A-7373)	1480.190	am	(P-5749)	100.3	am	(P-12153/93-A-5980)
1316	200	am	(P-590-A-7373)	1500.5	am	(P-5749)	100.4	am	(P-12153/93-A-5980)
1360	30	am	(P-11451)	1500.10	am	(P-5758/A-11212)	100.5	r,n	(P-12153/93-A-5980)
1360	40	am	(P-11451)	1500.11	am	(P-5758/A-11212)	100.6	r,n	(P-12153/93-A-5980)
1360	45	am	(P-11451)	1500.15	am	(P-5758/A-11212)	100.7	r,n	(P-12153/93-A-5980)
1360	50	am	(P-11451)	1500.20	am	(P-5758/A-11212)	100.8	r,n	(P-12153/93-A-5980)
1360	60	am	(P-11451)	1500.25	am	(P-5758/A-11212)	100.9	r,n	(P-12153/93-A-5980)

SAI-19

[illegible]

SAI-21

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(E-103911P-12955)

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am

(P-6653)

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(P-12188/93:A-1475)

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(E-103911P-12955)

205 104

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(P-6653)

330 1440

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(P-12188/93:A-1475)

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(E-103911P-12955)

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(P-6653)

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(E-103911P-12955)

205 109

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330 1440

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340 2770

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Title 89, con't

112.140	am	(P-2578;A-8703)	am	121.188	r	(P-11079)(E-11314)	am	230.362	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.141	am	(P-18436/93;A-3620)	am	140.2	am	(P-18436/93;A-3620)	am	144.230	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.142	am	(P-18436/93;A-5509)	am	140.3	am	(P-18436/93;A-5509)	am	144.250	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.143	am	(P-18436/93;A-5509)	am	140.12	am	(P-18436/93;A-5509)	am	144.275	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.144	am	(P-18436/93;A-5509)	am	140.24	am	(P-18436/93;A-5509)	am	144.300	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.145	am	(P-18436/93;A-5509)	am	140.27	am	(P-18436/93;A-5509)	am	144.325	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.146	am	(P-18436/93;A-5509)	am	140.40	am	(P-18436/93;A-5509)	am	144.325	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.147	am	(P-18436/93;A-5509)	am	140.40	am	(P-18436/93;A-5509)	am	144.325	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.151	am	(P-18436/93;A-5509)	am	140.71	am	(P-18436/93;A-5509)	am	144.71	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.155	am	(P-18436/93;A-5509)	am	140.80	am	(P-18436/93;A-5509)	am	144.80	am	(P-5720;A-14072)	am	(E-14436)	am	(P-11976/93;A-5540)
112.156	am	(P-22247/93;A-6994)	am	140.82	am	(P-22247/93;A-6994)	am	144.82	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.157	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.158	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.159	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.160	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.161	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.162	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.163	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.164	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.165	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.166	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.167	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.168	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.169	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.170	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.171	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.172	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.173	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.174	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.175	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.176	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.177	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.178	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.179	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.180	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.181	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.182	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.183	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.184	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.185	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.186	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.187	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.188	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.189	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.190	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.191	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.192	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.193	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.194	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.195	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.196	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.197	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.198	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.199	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.200	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.201	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.202	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.203	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.204	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.205	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.206	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.207	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.208	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.209	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.210	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.211	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.212	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.213	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P-11976/93;A-5540)
112.214	am	(P-22247/93;A-6994)	am	140.84	am	(P-22247/93;A-6994)	am	144.84	am	(P-22247/93;A-6994)	am	(E-14436)	am	(P

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**Index Department
111 E. Monroe
Springfield, IL 62756**



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